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Texas. Nov 7th 1835.

Declaration.

of the People of Texas, in General Convention assembled

When, General Antonio Lopez de Santa Anna, and other military chieftains, have by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy, now the good people of Texas availing themselves of their natural rights

Solemnly Declare

1st That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the federal Constitution of Mexico, of Eighteen Hundred and Twenty four.

2nd ..... That Texas is no longer morally, or civilly bound by the Compact of Union; yet stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican Confederacy, as will take up arms against military despotism.

3d That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

4th That they will not cease to carry on war against the said authorities, whilst their troops are within the limits of Texas.

5th That they hold it to be their right during the disorganization of the federal system, and the reign of despotism, to withdraw from the Union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican Government, so long as that nation is governed by the Constitution and Laws that were formed for the government of the political association.

6th That Texas is responsible for the expenses of her armies now in the field.

7th That the public faith of Texas is pledged for the payment of any debts contracted by her Agents.

8th That she will reward by donations in Land all who volunteer their services in her present Struggle, and receive them as Citizens.

These Declarations. We. solemnly avow to the world, and call God to witness their truth and

and invoke defeat and disgrace upon our heads, should we prove guilty of Duplicity. ———

Plan and powers of the Provisional Government of Texas

Article 1st

That there shall be, and there is hereby created, a Provisional Government for Texas, which shall consist of a Governor, a Lieutenant Governor and a General Council, to be elected from this body, one member from each Municipality, by the majority of each separate delegation present, and the Governor and Lieutenant Governor shall be elected by this body.—

Art 2d.

The Lieutenant Governor shall be President of the Council, and perform the duties of Governor, in case of death, absence, or from other inability of the Governor, during which time a president "pro tem" shall be appointed to perform the duties of the Lieutenant Governor in Council.—

Art 3d.

The duties of the General Council shall be, to devise ways and means; to advise and assist the Governor in the discharge of his functions;— They shall pass no laws, except such as in their opinion the emergency of the Country, requires; ever keeping in view the army in the field, and the means necessary for its comfort and support;— they shall pursue the most effective and energetic measures to rid the country of her enemies, and place her in the best possible state of defence;— Two thirds of the member elect, of the General Council, shall form a quorum to do business, and in order that no vacancy shall happen in the Council, if any member from death, or other casualty, shall be incapacitated to act, the Governor shall immediately on information thereof, notify the member elected to fill the vacancy;— and on his default, any member who has been elected to this body from the same jurisdiction.— The Governor and Council shall be authorised to contract for loans, not to exceed One million of dollars, and to hypothecate the Public Lands, and pledge the faith of the Country for the security of payment,— That they have power to impose and regulate imposts and tonnage duties, and provide for their collection, under such regulations as may be most expedient;— They shall have power, and it is hereby made the duty of the Governor, and Council, to treat with the several tribes of Indians, concerning their land claims, and if possible to secure their friendship.—

They shall establish Post Offices and Post Roads, and regulate the rates of Postage, and appoint a Post master General, who shall have competent power, for conducting this department of the Provisional Government, under such rules and regulations, as the Governor and Council may prescribe— They shall have power to Grant Pardons, remit fines, and to hear and judge, all cases usual in high Courts of Admiralty agreeably to the Law of Nations.

They shall have power to appoint their own Secretary, and other officers of their own body; also, that they have the power to create and fill such offices, as they may deem proper; provided nevertheless, that this power does not extend to offices heretofore rejected by this House.

That the Governor and Council have power to organize, reduce, or increase, the Regular forces as they may deem the emergencies of the Country require.— Article 4th

The Governor, for the time being, and during the existence of the Provisional Govermt. shall be clothed with full and ample executive power, and shall be Commander in Chief of the Army and Navy, and of all the Military forces of Texas, by Sea and Land; and he shall have full power by himself, by and with the consent of the Council and by his proper Commander or other officer, or officers, from time to time, to train, instruct, exercise, and govern the Militia and Navy, and for the special defence and safety of the Country to

assemble in martial array, and just in warlike attitude the inhabitants there of, and to lead and conduct them by his proper officers, and with them to encounter, repel, resist, and pursue by force of arms, as well by Sea and by Land, within or without the limits of Texas, and also to destroy if necessary, and conquer by all proper means and enterprises whatever, all and every such person or persons, as shall at any time, in a hostile manner, attempt or enterprise the destruction of our Liberties, or the invasion, detriment or annoyance, of the country, and by his proper officers, use and exercise over the Army and Navy and the militia in actual service, the law martial, in times of War, invasion or Rebellion, and to take and surprize by all honorable ways and means, consistent with the Laws of Nations, all and every such person or persons, with their Ships arms ammunitions, and goods as shall in a hostile manner invade or attempt the invading or annoying our adopted Country— And that the Governor be clothed with all these and all other powers which may be thought necessary by the Permanent Council, calculated to aid and protect the Country from her enemies.—

Art 5

There shall be constituted a provisional judiciary in each jurisdiction represented, or which may hereafter be represented in this house, to consist of two judges, a first and second. the latter to act only in the absence or inability of the first; and be nominated by the Council and commissioned by the Governor Art 6

Every judge, so nominated and commissioned, shall have jurisdiction over all crimes, and mis-demeanours, recognised and known to the common Laws of England: he shall have power to grant writs of "habeas corpus", in all cases known and practised, to and under the same laws; he shall have power to grant writs of sequestration, attachment or arrest, in all cases established by the "Civil Code" and "code of practice" of the state of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases; and shall also be made a court of records for Conveyances, which may be made in English, and not on Stamped paper; and that the use of stamped paper be in all cases dispensed with. and shall be the "Notary Public" for their respective municipalities; all office fees be regulated by the Governor and Council.

All other Civil proceedings at law shall be suspended until the Governor and General Council shall otherwise direct. Each municipality shall continue to elect a Sheriff, alcalde, and other officers of Ayuntamientos.

Art 7th

All trials shall be by jury, and in criminal cases the proceedings shall be regulated and conducted upon the principles of the common laws of England; and the penalties prescribed by said laws, in case of conviction, shall be inflicted, unless the offender shall be pardoned, or fine remitted; for which purpose a reasonable time shall be allowed to every Convict to make his application to the Governor and Council

Art 8

The officers of the Provisional Government, except such as are elected by this House, or the people, shall be appointed by the General Council; and all officers shall be commissioned by the Governor Art 9

All commissions to officers, shall be, "In the Name of the People, Free and Sovereign, and signed by the Governor and Secretary; and all pardons and remission of fines granted, shall be signed in the same manner.

Article 10. Every officer and member of the Provisional Government, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A B, do solemnly swear (or affirm) that I will support the republican principle of the Constitution of Mexico, of 1824, and obey the declarations and ordinances of the Consultation of the Chosen Delegates of all Texas in general Convention assembled, and the ordinances and decrees of the provisional Government; and I will faithfully perform and execute the duties of my office agreeably to law, and to the best of my abilities. So help me, God"

Art 11

On Charges and specifications being made against any officer of the Provisional Government, for malfeasance or misconduct in office, and presented to the Governor and Council, a fair and impartial trial shall be granted, to be conducted before the General Council; and if in the opinion of two thirds of the members, cause sufficient be shown, he shall be dismissed from office by the Governor

Art 12

The Governor and Council shall organize and enter upon their duties, immediately after the adjournment of this House, and hold their sessions at such times and places, as in their opinion will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

Art 13

The General Council shall appoint a Treasurer, whose duties shall be clearly defined by them, and who shall give approved security for his faithful performance

Art 14

That all land commissioners, empresarios, surveyors, or persons in any wise, concerned in the location of Land, be ordered, forthwith to cease their operations during the agitated and unsettled state of the country, and continue to desist from further location, until the land office can be properly systematized by the competent authorities which may hereafter be established. That fit and suitable persons be appointed to take charge of all the archives belonging to the different land offices, and deposit the same in safe places, secure from the ravages of fire, or devastation of enemies; and that the persons so appointed, be fully authorised to carry the same into effect; and be required to take and sign triplicate schedules of all the books, papers, and documents found in the several land offices, one of which shall be given to the Governor & Council one left in the hands of the officer of the land office, the other to be retained by the said persons. And they are enjoined to hold the said papers and documents in safe Custody, subject only to the orders of the Provisional Government, or such competent authority as may be hereafter created. And the said persons shall be taken from each department, as commissioners to be forthwith appointed by this House, to carry this resolution into full effect, and report thereof to the Governor & Council. That the political Chiefs immediately cease their functions, The different archives of the different primary judges, alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their elections and appointments; And the archives of the several political Chiefs of the departments of Nacogdoches Brazos and Bexar, shall be transmitted forthwith to the Governor and Council, for their disposition

Art 15

All persons now in Texas, and performing the duties of Citizens, who

incurred their grantees of land, shall be entitled to the benefit of the laws in force, at the time which they Emigrated, and the privileges they may emigrate to Texas, during the conflict for Independence: Loyalty, and perform the duties of Citizens, shall also receive the benefits of the Land-warder which they Emigrate.

Article IX.

The Citizens now Emigrated shall continue to Exist as Municipalities, Incorporated with the Representation of the Constitution. The Officers now Elected by the people, and Until Incorporated Continued.

Article X.

The Executive shall have power to Adjourn the Congress whenever they cannot agree with the time of Adjournment, and convene them at the Seat of Government, or in case Circumstances render it necessary, may convene them at any other place which may become necessary.

Article XI.

The Congress shall have power to Adjourn themselves to any time not exceeding Sixty days at a time, but neither House shall without the consent of the other Adjourn for more than three days, nor to any other place than that in which they may be sitting.

Article XII.

The Congress shall have power to Declare the Grade of Officers to be given in the Army, and to make Rules for the Government and Regulation of the same, and the Executive shall Commission Officers as they may be entitled according to Rank.

Article XIII.

The Congress shall have power to Declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.

Article XIV.

The Congress shall have power to Establish a General Land Office, and shall as soon as circumstances will permit, cause a Survey to be made of the Vacant Lands belonging to Texas, and distribute the same to the People of Texas, and Future Settlers, in such manner as may be directed by Law, and shall have power to pass all Laws necessary and proper to Carry into full effect the powers and duties of the Executive of the Union delegated by this Constitution, and also to pass Laws necessary and proper for the Organization, Discipline and Regulation of the Militia, which shall be Uniform throughout the Republic, and for the Government of the Army and Navy of the Republic.

Article XV.

The Congress shall have power to Establish Post Offices and Post Roads, and to Appoint all Officers of the Post Office Department, and to Regulate the Post Office System in such manner as may be directed by Law.

Article XVI.

The Congress shall have power to Establish a Mint, and to Regulate the Coin thereof, and Fix the Standard of Weights and Measures throughout the Republic, and to provide for the punishment of Counterfeiting the Coin, Bills of Exchange, Public Securities and Current Money of the Republic.

Article XVII.

The Congress shall have power to Establish Seminaries of Learning, and to Endow the same with Lands, and to Appropriate Funds for the Support of Common Schools, and to Establish a General System of Education throughout the Republic.

Article XVIII.

The Congress shall have power to Grant Patents for Useful Discoveries and Inventions, and to Secure to Authors and Inventors for a limited time, the Exclusive Right to their Writings and Discoveries.

Article XIX.

The Congress shall have power to Establish Rules of Naturalization, and to Establish Uniform Laws throughout the Republic on the Subject of Bankruptcies.

Article XX.

The Congress shall have power to Establish Rules for the Government and Regulation of the Navy, and to Provide for the Protection of the Coast and Commerce of the Republic, and to Appropriate Money for the Purchase of Ships of War, and to Commission Officers as they may be entitled according to Rank.

Article XXI.

The Congress shall have power to Establish Rules for the Government and Regulation of the Land Forces, and to Appropriate Money for the Support of the Army, and to Commission Officers as they may be entitled according to Rank.

Article XXII.

The Congress shall have power to Provide for the Calling forth of the Militia to Execute the Laws of the Republic, Suppress Insurrections and Repel Invasions.

Article XXIII.

The Congress shall have power to Provide for the Organizing, Arming and Disciplining the Militia, and for Governing such part of them as may be employed in the Service of the Republic, reserving to the States respectively the Appointment of the Officers and the Authority of training the Militia according to the Discipline prescribed by Congress.

Article XXIV.

The Congress shall have power to Exercise Exclusive Legislation in all cases whatsoever over such District (not exceeding ten miles square) as may be Ceded by particular States and Accepted by the Congress, and Establish the Seat of Government of the Republic therein, and to Exercise like Authority over all Forts, Magazines, Arsenals, Dock-yards and other needful Buildings.

Article XXV.

The Congress shall have power to Pass all Laws which shall be necessary and proper for Carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the Republic, or in any Department or Officer thereof.

Article XXVI.

The Congress shall have power to Regulate Trade with the Indians not living within the limits of the States of the Union, or of Texas, and to Manage all Affairs with said Indians, and to Grant Lands to Individuals of said Indians as may be Authorized by Law.

Of the Military

There shall be raised and kept up in time of peace, a regular army not exceeding ten thousand men, to be employed on the Western frontier, or such other service as the public safety may require, and in time of war, the Congress may authorize the raising of such additional force as may be necessary to repel invasion, and provide for the public defence.

Article 2nd

The regular army of Texas shall consist of one Major General Who shall be commander in Chief of all the forces called into Public services, during the War.

Article 3rd

The Commander in Chief of the regular Army of Texas shall be appointed by the Convention and Commissioned by the Governor

Article 4th

He shall be subject to the orders of the Governor and Council

Article 5th

His Staff shall consist of One Adjutant General, one Inspector General, one Quarter Master General, one Pay-Master General, one Surgeon General, and four Aids-de-Camp, with their respective ranks as in the United States army in time of War to be appointed by the Major General and Commissioned by the Governor

Article 6th

The regular army of Texas shall consist of men enlisted for two Years, and Volunteers for and during the continuance of the War

Article 7th

The regular army of Texas while in the Service, Shall be governed by the Rules, regulations and discipline, in all respects applicable to the regular army of the United States of America in time of war so far as applicable to our Condition and Circum-stances

Article 8th

The regular army of Texas, shall Consist of Eleven hundred and twenty men, Rank and file

Article 9th

There shall be a Corps of Rangers under the Command of a Major, to consist of One hundred and fifty Men to be divided into three or more detachments, and which shall Compose a Battalion under the Commander in Chief when in the Field

Article 10th

The Militia of Texas shall be organized as follows; all able bodied men over Sixteen and under Fifty Years of Age shall be subject to Militia duty.

Article 11th

Every inhabitant of Texas coming within Purview of the preceding Article Shall, on the third Monday of December next or as soon thereafter as practicable Assemble at each precinct of their Municipality and proceed to Elect one Captain one First Lieutenant, and one second Lieutenant, to every fifty six Men.

Article 12th

When said Election shall have taken place, the Judges shall Certify to the Governor, forthwith the names of the respective Officers, Elected, who shall, as soon as practicable, enter out and Sign, and transmit Commissions for the same, that

there shall be found to Exist in any Municipality, - - - - - more than three Companies, the Captain, or Commandants on giving due notice thereof shall Call together the Subalterns of said Companies, and proceed to Elect one Major; If of four Companies, One Lieutenant Colonel, If of Five or more Companies One Colonel, for the Command of said Companies, which shall Constitute a Regiment of said Municipality, that if there shall be found to Exist more than one Regiment in said Municipality the whole number of Field and Company Officers shall on due Notice Proceed to Elect a Brigadier General out of their number who shall Command the whole Militia in said Municipality. — Branch Tanner Archer. Pr.

Municipality of Austin.
Wyley Martin. . . .
R_ Jones . . . . .
Jesse Burnam . . .
William Menifee . .

Municipality of San Augustine.
A. Houston
William S Sigler
A. C. C. Johnson
A Horton
A. G. Kellogg

Municipality of Gonzales.
Wm S Fisher
J D Clements
Geo W Davis
James Hodges
Wm W Arrington
Benjn Fuqua

Municipality of Harrisburg
Lorenzo de Zavala
C. C. Dyer
John W Moore
M W Smith
David B Macomb
Geo M Patrick

Municipality of Columbia
Henry Smith . . .
John A Wharton . .
Edwin Waller . . .
John S.D. Byrom . .

Municipality of Washington.
Philip Coe
E Collard
Jesse Grimes
Asa Mitchell
Asa Hoxey

Municipality of Viesca
Jame J Allen
A G Perry
A G W Pierson
Alexander Thompson
Ja W Parker

Municipality of Bevil
S H Everett
John Bevil
Wyatt Hanks

Municipality of Jefferson
Edeibone West
P B Dexter Secy

Municipality of Nacogdoches
Samuel Houston
James W Robinson
Wm Whitaker
Daniel Parker
William S Sigler

Municipality of Mina
D. C. Barrett
I S Lester
R M Williamson

Municipality of Liberty
Henry Mullard
W B Woods
A B Hardin

Municipality of Matagorda
R R Royall
Cha Wilson

Municipality of Jenehaw
Martin Parmer

An ordinance making provision for the Army now in the field.

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of all Texas, That a Contractor for the present volunteer Army be forthwith appointed, and that he be hereby required to purchase and forward to head quarters for the use of the present Army now in the field as speedily as possible the following named Supplies — To Wit

35 Camp Kettles
666 pairs pantaloons
33 Ready made tents or tent Clothes
333 Round aboutS
200 BlanketS (3 point
1000 lbs Sugar
500 lbs Soap
50 Short handle frying pans
1 Sett Amputating or army surgical Instruments
20 " patent Lint
2 Doz Shovels
25 lbs Patint Groats
5 lbs Carbonat of Ammonias
26 Axes
666 Cotton Shirts
333 Vests
With thread & needles
666 pairs Socks
1000 lbs Coffee
1000 lbs Salt
100 lbs Candles

all to be of a cheap & durable texture —

10 Yards patent Adhesive plaister
20 lbs Arrow Root
20 lbs pearl Barley
1/4 doz Crown Lancets
2 Doz Spades

Section 2d Be it farther ordained and decreed by the authority aforesaid, that John W Moore be and he is hereby appointed Contractor to purchase and transmit to the Army aforesaid the above named articles to the Commander in Chief, And that he immediately proceed to the discharge of the duties assigned him, and that he be vested with full power and authority to pledge the public faith for the payment of such debts as he may contract by virtue of his said appointment

Attest
P. H. Dexter
Secretary of Gen Council

Signed James W Robinson. Lieut Gov
and exofficio President of the General Council

Approved 19th Nov 1835. Henry Smith
Governor

H S Stewart Secretary to the Executive and
Recording Clerks

Resolution approving the appointment of Lieutenant Bonnil

Whereas

Major General Samuel Houston Commander in chief of the forces of Texas hay received a tender of the Services of Lieutenant Joseph Bonnil of the U.S. army and his expressing a decided wish to accept the service of Mr Bonnil as an accomplished officer; Therefore. Be it Resolved by the Governor and General Council, that we recommend the acceptance of the services of Mr Bonnil and his appointment

Situation of aid de Camp to the Commander in Cheif
Passed at San Felipe de Austin Nov 22. 1835
Signed James W Robinson
Lieutenant Governor ex officio President
of the General Council

F. B. Dexter
Secretary of General Council

Approved 22 Nov 1835 Henry Smith
Governor

C B Stewart Secretary to the Executive &c &c

An ordinance and decree regulating offices under the Provisional Government

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of Texas, that the Executive, Legislative and Judicial departments of this Provisional Government being separate and distinct, any person accepting an appointment or Commision in any one of those departments shall by that act vacate any office he may have before held in any other department of this government, and any person holding an office, appointment, or Commision under this government in the Executive or Judicial department or in the regular army of Texas, shall not be eligible to a seat as a member of the General Council.

Council Hall at San Felipe de Austin Nov 22 1835
Signed James W Robinson. Lieut Gov
& ex officio President of the Gen Council

F B Dexter
Secty of Gen Council

Approved 23d Nov 1835 Henry Smith
Governor

C B Stewart Secretary to the Executive
& Recording Clerk

An ordinance declaring the mode of passing signing and publishing the ordinances, decrees, and resolutions of the Provisional Govern of Texas

Section 1

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas — That all ordinances decrees and resolutions after being finally passed by the general Council, shall be copied in a fair hand with all the Amendments, by the Clerk of the Committee from which the bill originated. When the same shall be indorsed "Passed" with the date of its passage, be signed by the President of the said Council, and attested by the Secretary thereof. When the said bill so endorsed

and signed shall be forthwith sent to the Governor for approval and signature, which if not approved by him and returned within three fule days from the time of its being received in the Executive office it shall be in fule force.— but if within the three days aforesaid the Governor shall refuse his approval and signature it shall be his duty within that time to return the said bill or ordinance to the General Council with his reasons therefor in writing.— When the said bill or ordinance shall be reconsidered by the Council aforesaid and on the concurrence of two thirds of all the members shall be in fule force and effect

Section 2d And be it farther ordained and decreed, and it is hereby ordained and decreed, by the authority aforesaid, that it shall be the duty of the Governor to cause all the decrees and ordinances passed by the Provisional Government, to be published in one or more public newspapers in Texas, to be designated by himself, which he shall previously contract to have done, with the proprietor upon the lowest and best terms And when so contracted with, the said proprietor or publisher shall be called. The publisher of the Laws of Texas

Passed at San Felipe de Austin Nov 20. 1835

Signed

James W. Robinson. Lieut Governor &
Exofficio President of the Genl Council.

P B Dexter
Secry of Genl Council

Approved Nov 25. 1835 Henry Smith
Governor

C B Stewart recording clerk &c

And ordinance and decree, authorising certain officers to administer the oath of office, prescribed by the organic law Creating a Provisional Government in Texas.

Be it ordained and decreed, by the General Council of all Texas, That the oath of office prescribed by the organic law, creating and establishing a Provisional Government in Texas may be administered by any Judicial or Executive officer under this Government, or by the President or secretary of the General Council, or by any field officer of the regular army of Texas; and that a duplicate copy of the oath when so administered, shall be forwarded to the Governor, and be filed among the archives of the Executive office,

Passed at San Felipe de Austin Nov 24th 1835

Signed James W Robinson
Lieut Gov & Ex officio Pres

Approved 25th Nov 1835

Henry Smith
Governor

C B Stewart, Secty & Executive,

An ordinance to authorise and empower Thomas F McKenny, of Velasco, to borrow One hundred thousand dollars, and making it the duty of the Governor to give him corresponding Commission, instructions &c.

Section 1. Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That Thomas F McKenney, of Velasco, be and is hereby authorised and empowered, in behalf of the provisional government aforesaid, to borrow as speedily as possible, the sum of One hundred thousand dollars, to be negociated as a temporary loan: payable from the first permanent loans which may be effected for and in behalf of the Government aforesaid, on the most advantageous terms, as regards time and rate per cent. which the money market may afford;— Provided nevertheless, that said loan shall not be effected, so as to require payment in a less time than One Year; and the rate of interest not exceeding ten per cent per Annum.

Section 2. And be it farther ordained and decreed, that it shall be and it is hereby made the duty of the Governor, immediately on the final passage of this ordinance to Commission advise, and instruct the afores-aid Thomas F McKenney to execute and perform the requirements of this ordinance keeping in view, the authority and instructions received by the said Thomas F McKenney from the former Council whereof R R Royall was president, upon the same subject— And hereby confirming all the acts of said McKenney, done and performed under the directions of the Council last mentioned regarding the loan as aforesaid.

Passed at San Felipe de Austin Nov 21. 1835

James W Robinson. Lieut Gov
& Ex officio President of G. Council

Attest
P. B. Dexter
Secry of Gen Council

Rejected by Governor and passed by the required majority as follows, Ayes, Messrs Barrett. Clements. Gaines. Hanks. Harris. Millard. Palmer. Parker. Powers. Reed. Westover. and Wilson Nov 24. 1835 Attest. P. B. Dexter Secretary. G. Council

Passed by a constitutional majority 25th Nov 1835

Henry Smith
Governor

C B S Whitaker
Executive Secretary

+ An ordinance prescribing the manner and form of settling the accounts of the volunteer army of Texas. —

Section 1st Be it ordained and decreed, And it is hereby ordained and decreed, by the Genral Council of the Provisional Government of Texas, that all bills, accounts, Claims, debts, dues or demands that are now or shall or may hereafter be due and owing by this or a future government, to any person or persons for money, Corn, provisions, stores, Clothing, medicines, forage, arms, ammunition, horses, mules, oxen, Waggons, boats, transportation, or any service whatever, rendered or furnished, to and for the volunteer army of the People of Texas now in the field, shall before the same be admitted to audit and liquidation before the standing Committee on war affairs of this house, or the proper department of a future government, containing the day, date, name and description of the article or sum furnished, and place, and the certificate of the standing Committee of safety and vigilance, or the order or certificate of the Commanding officer or Colonel of the regiment or company by whose order and at whose requisition the same may have been rendered or furnished; or the receipt of the Contracter, Commissary or quarter master to whom the same may have been furnished and delivered; together with the oath or affirmation: before any Judge or Alcalde, of the person or persons so presenting the same for liquidation, that the said accounts, debts, dues, demands, or services, were at the time and place specified, supplied furnished or rendered, made use of, delivered prefed or taken: lost or Killed in the Service of the Volunteer Army of the People of Texas aforesaid. —

Section 2d Be it further ordained and decreed, &c that the Committee on war affairs of this Council, or the same department of this or a future government, shall and they are hereby required to settle, audit, liquidate and pass all bills, accounts, debts, dues, and demands, coming within the purview of the preceding section of this ordinance, on liberal and equitable principles, whenever the circumstances of the case shall, in their discretion, or judgement, admit or warrant the same. —

Passed at San Felipe de Austin Nov 21, 1835

P. B. Dexter
Secretary of Genl Council

Signed James W. Robinson. Lieut Gov
and Exoffcio President of the Genl Council

Approved 26 Nov 1835 Henry Smith
Governor

C. B. Stuart
Executive Secretary &c

An ordinance and decree to establish and organize a Corps of Rangers

Be it ordained and decreed, and it is hereby ordered and decreed by the General Council of the Provisional Government of Texas, that there shall be and there is hereby created and established a Corps of Rangers, which shall consist of three companies of fifty six men each, with one Captain, one Lieutenant and one Second Lieutenant for each company, and there shall be one Major to command the said Companies, who shall be subject to the orders and direction of the Commander in Chief of the Regular army.

Section 2d Be it farther ordained and decreed &c that the privates of said corps shall be enlisted for one year; and shall receive as a full compensation for pay, Rations Clothing and horse service, One dollar and twenty five cents per day for themselves and service of their horses; and the said privates shall be, and they are hereby required to be always ready armed and equipped, and supplied with 100 rounds of powder and ball, and to have always ready for active service a good and Sufficient horse properly accoutred and equipped with saddle, bridle and blanket, at their own expence, and in default thereof, the Captain or commanding officer of the said Company, to which said private belongs, shall cause a horse to be purchased for said private, and charge him with the same in the settlement of his quarterly accounts.

Section 3d. Be it farther ordained and decreed &c. that the officers in the said Corps, in addition to the per diem compensation of the privates in the Corps of Rangers, shall receive the same pay as the officers of the same rank and grade in the regiment of Dragoons in the army of the United States of America.

Passed at San Felipe de Austin Nov 24 1835

P B Dexter
Secretary of Genl Council

Signed James W Robinson Lieut Gov
& Ex officio President of the Genl. C.

Approved 25th Nov 1835. Henry Smith
Governor

Chas. B. Stewart
Executive Secretary

An ordinance and decree to raise a regular army

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, that there shall be, and there is hereby created a Regular army, to consist of One thousand one hundred and twenty men, who shall be enlisted for two years or during the war; that the said army shall Contain

One regiment of Artillery, and One regiment of Infantry, each regiment two battalions: each battalion five companies; each company fifty six men; each, rank and file; that there shall be in the regiment of Artillery, One Colonel, two Lieutenant Colonels, two majors; and in each company one captain, one first Lieutenant, one second Lieutenant, and one, third Lieutenant and four Sergeants and four Corporals; That there shall be in the regiment of Infantry, One Colonel, one Lieutenant Colonel, One Major; and in each company one captain, One first Lieutenant, and One Second Lieutenant and four Sergeant and four Corporals.

Section 2d

And be it farther ordained and decreed &c, That the officers non commissioned officers and privates of the regular army of Texas, shall receive the same pay and emoluments and be entitled to the same rations and clothing as the officers, non commissioned officers, and privates of the same rank and grade in the regular army of the United States of America.

Section 3d

And be it farther ordained and decreed &c That the regiment of Artillery shall be drilled and exercised in the Infantry as well as Artillery Service; and the regiment of Infantry shall be drilled and exercised in the Rifle as well as Infantry service

Section 4

And be it farther ordained and decreed, &c; That the officers, non commissioned officers and privates of the army of Texas, shall be governed by and subject to the same rules and regulations and the same field, camp, and garrison Service, duty and discipline as the officers, non commissioned officers and privates of the army of the united States of America.

Section 5

And be it farther ordained and decreed &c That every non commissioned officer, and private of the regular army of Texas, shall receive and it is hereby granted to him, his heirs legal representatives or assigns One mile Square or six hundred and forty acres of Land in Texas, after he shall have received an honorable discharge to which he shall be entitled for a faithful service agreeably to the terms of his enlistment.

Section 6

And be it farther ordained and decreed, &c There shall be enlisted for each company in addition to the rank and file, One drummer and one fifer; who shall be each entitled to the pay, rations and clothing of a sergeant, and shall be entitled to the same bounty in land as the non commissioned officers and privates of the regular army.

Passed at San Felipe de Austin Oct 24 1835

Signed James W Robinson Lieut Gov
& Ex officio President of the Gen Council

Attest D B Dexter Secty
Ge Genl Council

Approved Nov 5 1835

Henry Smith
Governor

D B Stewart

An ordinance and decree for granting letters of Marque and Reprisal.

Be it ordained and decreed; and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That the Governor by and with the advice and consent of the General Council, shall have power to grant Letters of Marque and Reprisal, and that all persons applying for such letters of Marque and reprisal shall be men of known character, standing and skill as naval tacticians, and no license shall be granted to any vessel under Eighty tons burthen carrying less than four twelve pound carronades or their equivalent in metal.

Section 2d

Be it farther ordained and decreed, that all vessels so licensed shall cruise within the Gulf of Mexico and shall be permitted, and they are hereby enjoined to make war upon, board Capture or make prize of all vessels sailing under the flag, and under the Commission of the Central Government of Mexico, and no other.

Section 3d

And be it farther ordained and decreed, that all prizes so Captured, shall be ordered and brought into the ports of Texas, and shall be there adjudicated, and if condemned as such, shall be sold and twenty per cent of the proceed, paid into the treasury of Texas, and the balance paid over to the Captors or their legal representatives, or their assigns.

Section 4th

And be it farther ordained and decreed, that no Commission or letter of Marque and reprisal shall be granted for a less term than three months, or a longer than six months, and shall in all cases expire at the conclusion of the war between Texas, and the Central Government of Mexico.

Section 5

And be it farther ordained and decreed, that it shall be the duty of the Governor, upon issuing any license or Commission to any person possessing the the requisite qualifications as enumerated in Section 1st of this ordinance to accompany the same with instructions of the principles and restrictions of this ordinance of the General Council authorising and granting letters of Marque and reprisal

Passed at San Felipe de Austin Nov 25 1835

E.M. Pease
Secretary of Genl Council

Signed James W. Robinson. Lieut Governor
and Ex officio President of Genl Council

Approved 27th Nov 1835

Henry Smith
Govenr

G.W.D. Stuart, Secretary of Executive

An ordinance for appointing a Treasurer to the Provisional Government of Texas. a Secretary to the Executive, and two chief clerkes, defining their several duties &c.

Section 1st

Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, that there shall be appointed one Treasurer to the provisional Government who shall give bond and security to the Governor of the Provisional Government and his successors in office, in the sum of One Hundred thousands dollars, for the true and faithful performance of the several duties of his office, as hereinafter specified, or which may hereafter be required of him by the general council.

It shall be the duty of the Treasurer to receive, disburse, and pay over to the order of the proper Authority, all monies and securities belonging to the Provisional Government of Texas.

It shall be his duty to keep a book, wherein shall be entered in a fair legible hand writing, all the monies or securities received, and from whom received, and give triplicate receipts for the same;— a duplicate of which shall be filed in the office of the said treasurer, and the triplicate filed in the office of the Executive,— Also, it shall be his duty to have another book, to be kept in like manner, wherein he shall make a full entry of all disbursements or monies laid out,— taking duplicate receipts therefor, one of which, with the order upon which he shall pay over the monies he shall keep and file in his office. and deliver the other to be filed in the office of the Executive— All demands upon the Treasurer shall be upon the order of the General Council, approved and signed by the Governor, and attested by the Secretary of the Executive— The Treasurer shall do and perform all the duties incident to his office, by and with the advice of the Committee of finance, unless otherwise provided for by the Gen Council and shall, at all times, keep his office at the place where the Governor and Council shall be located.

Section 2d.

Be it further ordained and decreed, that there shall be appointed a secretary to the Executive, who shall also be the recording clerke of the General Council, whose duties shall be to keep a fair and full records of all the proceedings of the Executive office;— Copies of the public correspondence of that office, and to do and perform such other duties as may be required of him by the Governor, pertaining to his office— And also it is made his duty to record all the ordinances, decrees, and resolutions and other public acts of the general council in a fair hand, and in a book suited to the purpose, from time to time as they shall be delivered to him by the Secretary of said Gen[l] Council— whose duty it shall be to deliver the originals of all the said Ordinances, decrees, resolutions or other public acts of the said Council, so soon as they may have severally passed the necessary forms for becoming a law, and when they shall have been recorded. the originals shall be returned by the Secretary of the Executive to the Secretary of the General Council, who shall preserve and file the same in proper order in his office; And the book of records shall remain as be kept in the Office of the Executive of the Provisional Government, subject to the examination of all concerned.

Section 3d

And be it farther ordained and decreed &c That there shall be appointed

Two Chief Clerks of the present standing committees of the General Council, One of Whom shall perform the duties of Chief Clerk to the Committee on "State affairs and Judiciary" and to the "Committee on Finance" and the other shall in like manner, perform the duties of Chief Clerks to the "Military Committee" and all the remaining standing committees of the council— and the duties of the aforesaid Chief Clerks shall be, to transcribe such proceedings of the several committees as may be required of them, and report all ordinances and decrees, originating with said Committees, for final passage, and subject to such other duties and regulations, as may from time to time be adopted by the General Council.

Section 4th

And be it farther ordained and decreed, that the compensation to the Treasurer for his services, shall be One thousand Dollars per annum, with office room, and the necessary clerk hire, to be determined by the General Council, on the proper representation of said Treasurer; and that the Secretary of the General Council, and the Secretary of the Executive and recording Clerk of the General Council, shall receive for their respective services five dollars per diem, and that the several Chief Clerks of the Committees as aforesaid shall receive for Services five dollars per diem

Section 5

And be it farther ordained and decreed that all public correspondence of the Provisional Government of Texas shall be conducted through the medium of the Executive department unless in cases hereafter otherwise especially provided— and shall be on file in the office of the said Executive subject at all times to the call of the General Council, or to be seen or read by any member thereof— And all the archives and records, of the late Political Chiefs of Texas, shall immediately after the final passage of this Act, be demanded by the Governor, and the necessary measures resorted to for securing possession of the same, at the same time notifying the said Political Chiefs that they are commanded to cease their functions in the several departments And when the said archives and records, shall have been secured by the Governor, the same shall be regularly filed in the Executive office, among the public archives of Texas.

Section 6.

And be it farther ordained and decreed that the Secretary of the Genl. Council, shall be required to be present at all the meetings and sessions of the said Council, and under direction of the president to keep a true full and correct entry of all the proceedings of that body. Subject on revisal to any correction, voted by the majority thereof. He shall keep on file, all reports, resolutions, ordinances, decrees, and all other papers of his office, And also, shall transcribe all the daily proceedings of the said Council, in a book to be provided by him, for that purpose, excepting nevertheless, such proceedings as are required to be recorded by the Secretary of the Executive, the originals whereof are to be kept on file in the office of the Secretary of the General Council— And no member of the General Council or of the Executive department, shall

of all seasonable hour, in presence of the Secretary aforesaid, have free access to the said book & files of papers, to examine in his office, require copies whenever they shall think necessary for performing their official duties, which shall be made by the said Secretary of the General Council, And when in the opinion of the said Council, the duties of the said Secretary shall require a Clerk the same shall be allowed, with a suitable Compensation to be fixed by that body.

Passed at San Felipe de Austin 24th 1835

Signed James W. Robinson Lieut Gov.
and Exoffico President of Genl Council

P. B. Dexter
Sec of Gen. Council

Approved 26 Nov. 1835 Henry Smith
Governor

C. Ives to Stewart Secy of Executive, recorder to

An ordinance and decree establishing a Navy

Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, that there shall be and there is hereby established a Navy, To Consist of two Schooners of twelve guns each and two Schooners of six Guns each, with the requisite number of officers, seamen and marines for each Schooner, and that the said Schooners shall as soon as practicable be purchased armed and equipped for warlike operations offensive and defensive, and that they be put in Commission and fitted out and ordered into actual service, and the Commander and officers of said Navy shall be under the orders and directions of the Governor and Council.

Section 2d

And be it further ordained and decreed and &c that the Governor by and with the advice and Consent of the Council shall nominate and appoint to the Command of said Vessels, officers of good Character, Courage, and ability as naval tactici=cians. And the said Vessels when so fitted out manned and equipped for naval operations shall rendezvous in Galveston Bay and the Commanders thereof re=port to the Governor for further orders

Passed at San Felipe de Austin Nov 25. 1835

Signed James W Robinson Lieut Governor
and ex officio President of General Council

Approved 27th Nov 1835 Henry Smith
Governor

C M Blake Secy of
Genl Council

C R Stewart Secty to Executive Recorder &c

An ordinance regulating the Militia

Be it resolved and decreed, and it is hereby resolved and decreed

by the General Council of the Provisional Government of Texas, that every free white able bodied male inhabitant, over sixteen, and under fifty years of age, shall be subject to Militia duty.

Section 2 do

Be it farther resolved and decreed &c, that there shall be appointed by the Governor, in each and every Municipality, three Commissioners, who shall and it is hereby made their duty, to lay off and divide as soon as practible, the said Municipality into Militia precincts, having reference as nearly as may be, to those already laid off, and acknowledged heretofore, and shall immediately thereafter, proclaim publish and post the same, at the head or rendezvous of such precinct, for at least ten days; and the said Commissioners, at the time of the publication aforesaid shall give twenty days notice in the said precincts that an election will be held for One Captain One Lieutenant and one second Lieutenant for said Militia precinct.

Section 3d

Be it farther ordained and decreed &c, that said Commissioners shall appoint three good and suitable persons, residing in said precinct, as Judges of Election, who shall at the time and place appointed, after qualifying themselves and appointing a Clerk, proceed to hold the aforesaid elections agreeably to notice. And no person shall be eligible to Militia offices who is not a resident of such precinct, and liable to do Militia duty aforesaid. And when the said Election shall have closed, the Judges thereof shall make the return of the persons so elected, within ten days, to the Governor, or Commander in Chief of the Militia, who shall thereupon issue Commissions to the same as officers of the Militia of Texas.

Section 4

Be it ordained and decreed &c that each company shall contain not less than fifty six men, rank and file, and whenever there shall be found in any precinct One hundred and twelve men subject to Militia duty, the Captain of said precinct shall subdivide and lay off the same into two or more precincts, and when there shall be found in any two adjoining precincts of One municipality more than One hundred and Sixty eight men so liable as aforesaid, the Captains of said adjoining precincts, in conjunction shall subdivide the same into three or more precincts, as the case may be, and appoint a head or rendezvous therefor, holding in view the distance and convenience of mustering, and make return thereof to the office of the Alcalde, of the Municipality as soon as practicable. And if the said Captains should disagree as to the mode or manner of laying off said precincts, the same shall be referred to the Judges and alcalde whose decision thereon shall be final.

Section 5

Be it farther ordained and decreed &c, That whenever there shall be found to exist in any municipality more than three companies, the Captain or Commandant on giving due notice thereof shall call together the Subalterns of said companies and proceed to elect One Major, if of four companies, One Lieutenant Colonel, if of five or more

companies, One Colonel for the command of said companies, which shall constitute a Regiment for said Municipality, That if there be found to exist more than one Regiment in any Municipality, the whole number of field and company officers, shall on due notice given by the Senior Colonel of said Regiment proceed to elect a Brigadier General out of the said field and company officers of said Regiment, who shall command the whole of the Militia in said Municipality.

Section 6th

And be it further ordained and decreed, that there shall be and there is hereby established regular Muster days, in each and every year, for the Militia of Texas. And that Regular Company musters be held on the first Saturday in April, Battalion Musters on the first Saturday in May; Regimental Musters on the first Saturday in September, and brigade Musters on the first Saturday in October. That all the field, staff, and company officers of each brigade, on the first Saturday in March shall be drilled and exercised as Company officers and privates by the Brigadier General; whose staff, appointed by himself, shall consist of one aid de camp; One brigade Major. One brigade quarter master, all of whom shall have the rank of Major and "one brigade pay master." (which last in the ordinance immediately follows the word "quarter master" and precedes the words "all of whom"

Section 7th

Be it ordained and decreed, that the Regimental Staff shall consist of One adjutant, to be chosen from the officers of the line One quarter master, One pay master, One Judge advocate, One Sergeant Major to be appointed by the Colonel.

Section 8th

Be it ordained and decreed that the Governor as Commander in Chief of the Militia shall be entitled to four Aids de Camp with the rank of Colonel.

Passed at San Felipe de Austin Nov 25, 1835

Signed James W Robinson Lieut Governor and Ex officio President of Gen Council

E M Pease
Secretary of Gen Council

Approved 2nd Ch Nov 1835

Henry Smith
Governor

Charles S. Stewart
Secy of Executive Recorder &c

An Ordinance and decree for advancing the sum of Fifteen hundred dollars for the benefit of the Volunteer army of the People under command of General Stephen F Austin, and other purposes.

Whereas General Stephen F. Austin, Commander in Chief of the volunteer Army of the people has negotiated an advance of Money to be appropriated for the benefit of the army, under his Command as being necessary to contribute to their aid comfort and support Therefore

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Gov

Of Texas, that there shall be advanced from the public funds of the said Provisional Government, and forwarded to the head quarters of the army aforesaid; the sum of Fifteen hundred dollars, to be handed over to the Commander in Chief, of said army, Genl S. F. Austin, which, when done, the said Genl. S. F. Austin is hereby required to receipt for the same, and which said sum of money so advanced and forwarded shall be appropriated; by the said Genl S. F. Austin at his discretion for the best interest of the army and government of Texas, he being required to account with the Treasurer of the Government aforesaid for the manner in which he shall appropriate said money accompanied with the customary and proper vouchers. ——

Section 2d

And be it farther ordained and decreed &c, that the money so appropriated by the first section of this ordinance shall be forwarded under the order and direction of the Governor of the Provisional Govt aforesaid, by the hand of Thomas Gay of the Town of San Felipe de Austin, whose receipt therefor shall be a sufficient voucher for the execution of the foregoing ordinance.—

Section 3d

Be it farther ordained and decreed &c, That there shall be and there is hereby appropriated, the sum of One hundred and sixty dollars, for the purchase of One or more horses, for public use, which said horse or horses shall be at all times under the control of the Provisional Government

Section 4

Be it farther ordained and decreed &c That the said Thomas Gay call on Andrew Ponton Esqr, treasurer of the municipality of Gonzales and demand and receive such public monies, as may be in his possession, and transmit the same to the General Council, and that the receipt of the said Thomas Gay, shall be a sufficient voucher for the said Ponton, in accounting for the public monies in his hands and paid over agreeably to this ordinance—

Passed at San Felipe de Austin Nov 27 1835
Signed Lorenzo W Robinson Lieut Governor
& ex officio President of the General Council

Attest Peter Grayson
Secretary to Genl. Council

Approved 27th November 1835
Henry Smith
Governor

C B Stewart Secty to Executive

An ordinance appointing a Commissary to take charge of Volunteers for the Army, and defining his duties.

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, that there be and is hereby appointed a Commissary

To be Stationed at San Felipe, who shall and it is hereby made his duty to supply with suitable clothing, provisions, and other means necessary for their immediate use, all volunteers passing through San Felipe, who are now and shall hereafter be on their way to the Army.

And it is hereby made the duty of all companies or detachments of troops, on their arrival at this place, or any other point to report a list or muster roll of names to the Governor, sworn to, with a tender of services— When the Governor shall have power to accept the same and grant a certificate to the person heading the Company or detachment, and when it is presented to the Commissary. it shall be authority for him to act agreeably to this decree, And when their services are accepted. they Shall proceed to the army with the least possible delay and repat to its Commander for duty, until discharged by the Commander in Chief of the army of the People. ———

——— Be it farther ordained and decreed that the said Commissary be directed, and it is hereby made his duty, to keep a just and exact account of all articles, Clothing, provisions, money and other necessaries, so furnished, and to whom, and Shall render a true account there of to the Committee on War or Finance; who are hereby directed, to audit and report the same to the Council accordingly. ———

——— Be it ordained and decreed, that the said Commissary Shall receive such pay for his time and services as the Committee on War or Finance, shall in their judgement and discretion direct— subject to the approval of the Council

Passed at San Felipe de Austin Nov 27. 1835
Signed James W. Robinson Lieut Governor
and Ex officio Pres't of the Gen't Council

Attest
E. M. Pease
Secy of Gen. Council

Approved 30th Nov. 1835 Henry Smith
Governor

Charles B Stewart Secy to Executive Records

An ordinance and decree Supplementary to "An Ordinance and decree appointing a Commissary to take charge of the Volunteers of the army and defining his duties" passed November 27. 1835

Be it ordained and decreed, and it is hereby ordained and decreed. by the General Council of the Provisional Government of Texas; That the Commissary appointed in said ordinance shall furnish to the Committee on War & Finance, a list of the names of the volunteer or volunteers to whom he may have, agreeably to the provisions of the said ordinance, have furnished all or any of the articles enumerated in the first section of the said ordinance entitled as above, and the cost of the said article or articles so furnished, shall be subsequently deducted from the pay of the said volun-

Volunteer or volunteers to which he or they may be entitled for his or their services in the volunteer army of the people of Texas

Passed at San Felipe de Austin Nov 28. 1835

Signed James W. Robinson Lieut Gov.
President Ex officio of the Genl Council

E M Pease
Secretary Genl Council

Approved 30th Nov 1835 Henry Smith
Gov.

C B Stewart
Secretary &c &c,

An ordinance and decree to purchase Munitions of War. provisions. Arms &c for the Army of Texas and defence of the Sea Coast

Be it ordained and decreed and it is hereby ordained and decreed by the Genral Council of the Provisional Government of Texas. That the following items and articles. Contained under the heads of Munitions of War, provision, arms &c. Scientific instruments. Books and Stationery are and they are hereby declared necessary for the use of the Army and defence of the sea coast of Texas, and the said articles are hereby ordered and decreed to be purchased accordingly

Munitions of War. Arms &c

4. 4 pounders mounted for field Service
4 " do " do " Fort " do
3 " 18 " do " do " do
6 " 24 " do " do " do
6 " 32 " do " do " do
With One hundred round shot for each Cannon
2. 13 inch Howitzers with 200 bomb. Shells
2 Sponge Shovels and Worms for shot Shot
1000 lbs Cannon Powder 300 Yards Flannel with all the necessary
implements and accoutrements for field service for the above Cannon
300 Cartridges, 8 feet in barrel 14 twist with moulds &c
100 Muskets and bayonets, Straps, Cartridge boxes &c
100 Sergeants Swords with belts &c 200 pr Horsemans Pistols with Holsters moulds &c
200 lbs Rifle Powder — 4000 Musquet balls
8000 lb Bar and Pig Lead
1000 Butcher Knives and 1000 Tomahawks well tempered with handles
20 Drums and fifes and 16 Bugles, (6 Kentuck)
6 Stands of Regimental Colours. 1 Stand general Colours
100 Spanish Opelousas Saddle trees, with Iron Stirrups
100 pair Stirrups 100 pair Spurs, 100 Surcingles. 100 bridles & Martingales.
A Complete Apartment of Camp equipage, and Cooking utensils for
One thousand men, with Officers Marques or tents for 60 officers,
One Grand Marque and General Marque and equipage and fly
30 Baggage Waggons with Gear for 60 horses

150 Axes. 150 Spades „ 50 Mattocks „ 6 Setts Blacksmiths tools. 1 Sett Gun Smiths
3 Setts Carpenters Tools for field Service } With anvil bellows and portable forge
200 Soldiers tents. 1200 Blankets 3/4 point french Coloured
20 Setts Corn Mills or Patent hand Mills „ 2000 Brogans from 6 to 12
2000 Suits Grey Uniform, with proper Number Sergeants. Corporals &c
2200 Coloured Cotton Shirts 2200 Yarn Socks „ 5 Army Medicine Chests
1000 Canteens cast-improved Shape and size „ 225 Coffee pots (part gregues)

Provisions.

350 Barrels Flour „ 200 Bbls fine Ships bread. 20,000 Middling Bacon
50 Bbls Mess Pork inspected, 1500 Coffee. 1500 Brown Sugar „ 20 Bbls Cider Vinegar
„ 5 Bbls Whiskey 5000 Soap 5000 Candles „ 50 Bbls Peas and beans (=1st quality)
3000 Kentucky Chewing Tobacco „ 120 Galls French Brandy. 120 Galls Port Wine

Instruments Books & Stationary.

3 Thermometers Farenheits with cases. 1 Chronometer with Case
6 army Telescopes. 4 Spirit Levels
100 Copies Scotts Infantry Drill or the last improved works
36 Do Corps discipline and regulations
6 Do McComb on Courts Martial
36 Do Do School of the Soldier. and other approved works on Courts Martial, and Tactics. On fortifications, civil and geographical. engineering and gunning &c, together with instruments
An assortment of blank forms of Returns, of field Staff and Company officers, blank muster inspection and pay Rolls, which can be had at any garrison in the State
3 Portable writing desks with wax. wafers. quills. Stationary=

Passed at San Felipe de Austin Nov 27. 1835

Signed James N Robinson. Lieut Gov^r
& Ex officio Pres^t of Gen^l Council

O. M. Pease
Secy of Gen^l Council

Approved 30th Nov^r 1835 Henry Smith
Governor

O. B. Stewart. Recorder &c

An ordinance and decree to purchase provisions for the volunteer Army of the People of Texas

Be it ordained and decreed and it is hereby ordained, and decreed by the Provisional Government, that One hundred Barrels Flour, One hundred Barrels of Sea bread or biscuit and twenty five barrels of Pease or beans, shall be and they are hereby ordered to be purchased as soon as practicable, at Matamoras or the nearest place where they can be obtained, for the use of the volunteer army of the people of Texas

Section 2^d

Be it ordained and decreed &c that

Vessels is granted to the Company to purchase the above
entered vessels or any vessels under that when so purchased he
be under such rules as the Board for the time being may be agreed
by them in the Special Ordinance but such Vessels shall be transferred to Texas as
soon as possible after the said Special Ordinance shall be passed and the said Company
shall pay such Duties as the Legislature may, and transfer of the
said vessels to the Government Texas shall cease and shall cease the
bond in the Treasury of Texas and all Commissions and Letters
to the proper officers shall be executed for that
purpose. Passed in Council this 26th day of August 1835

Signed by the President
Secretary of Board Council

Signed by the Secretary
of State

Signed by the Secretary of Executive

An Ordinance and decree supplementary to an Ordinance and decree entitled "An Ordinance and decree creating Letters of Marque and Reprisal" dated this 26th Aug 1835

Be it ordained and decreed and it hereby ordained and decreed by the General Council of the Provisional Government of Texas that the Board be and he is hereby authorized and empowered to issue not more than five blank Commissions of Letters of Marque and Reprisal to James Pattison and John Bowmore of Texas and also not more than five blank Commissions of Letters of Marque and Reprisal to Samuel Whiting of Liberty Texas, all of whom shall before they are hereby authorized to fill up such Commission or Commissions with the name or names of such individuals applicants therefor as shall come within the provisions and provisions of the Ordinance and decree granting Letters of Marque and Reprisal passed November 26, 1835 Section 2d

Be it further ordained and decreed so that all vessels sailing under licenses as Letters of Marque and Reprisal which have been or may be hereafter granted by the Governor and Council or by the Council as provided in this Supplementary Ordinance or under any Register or License of this Government, shall carry the Flag of the Republic of the United States of Mexico and shall have the figures U.S.M. effaced in large Arabics, on the white ground thereof.

Be it ordained and decreed so that Ten per cent and no more on all vessels or Prizes condemned in the ports of Texas, as prize to Letters of Marque and Reprisal shall be paid by the captors, to the provisional Government of Texas.

Any thing to the contrary notwithstanding in the "Ordinance and decree granting Letters of Marque and Reprisal passed Nov 25th 1835 _____

Passed at San Felipe de Austin Nov 29. 1835

E. M. Pease
Secy of Genl Council

James W. Robinson Lieut-Governor and
Exofficio President of Genl Council.

Approved 30 Nov. 1835 Henry Smith. Governor

C B Stewart Secy of Exte

An ordinance and decree authorising and requiring the Governor to appoint a commissioner in the several municipalities to administer oaths &c

Be it ordained and decreed, And it is hereby ordained and decreed by the General Council of Texas, that the Governor be and he is hereby authorized to appoint a Commissioner in each municipality, to administer the oath of office, to the Judges and other municipal officers, where they have not already been provided for, and that the Governor cause the Commissioner so appointed to be informed of his appointment and transmit herein a copy of this ordinance _____

Passed at San Felipe de Austin Nov 30. 1835

E. M Pease
Secy of Genl Council

James W. Robinson Lieutenant Governor &c

Approved 1st December 1835. Henry Smith
Governor

C B Stewart
Executive Secretary. &c

An ordinance and decree authorising the Governor to grant registers to Vessels

_____ Be it ordained and decreed and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, that upon application in due form for a register of a vessel, by any person or persons residing in Texas, and claiming the privileges of citizenship, it shall be the duty of the Governor to grant such register, which shall contain a description of the vessel her tonnage and the names of owners; and he shall sail under the Flag, and shall be considered under the protection of the country as a National vessel Section 2.

And be it farther ordained and decreed That as soon as Collectors of the Customs shall be appointed to the ports of entry in Texas, it shall be the duty of the Governor to forward to said Collectors blank registers, bearing his signature, which may be filled up by said Collectors and countersigned by them when registers may be required _____

Passed at San Felipe de Austin

E M Pease
Secy G. Council

30th Nov. 1835 James W Robinson Lieut Gover

Approved 1 Decr 1835 Henry Smith

C B Stewart Secretary &c
Governor

An ordinance and Decree for supplying the Army of the People, now in the field before Bexar with money and for other purposes

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, that there shall be advanced from the Public funds of the said Provisional Government, and forwarded to the Commander of the Army aforesaid, the sum of Eight hundred dollars to be paid over to the Commander of the Army aforesaid, which when done, he is hereby required to receipt for the same, and which said sum of money so advanced and forwarded shall be appropriated by the said Commander at his discretion for the best interests of the Army and Government of Texas. He being required to account with the Treasurer of the Government aforesaid, for the manner in which he shall appropriate said money, accompanied with the proper vouchers.

Section 2d.

And be it farther ordained and decreed, That one hundred dollars of the money so appropriated by the first section of this ordinance the treasurer is hereby authorised and required to pay over to Thomas Gay Esq of the Town of San Felipe, whose receipt shall be a proper voucher for said Treasurer

Section 3d

And be it farther ordained and decreed, that the said Thos Gay is hereby authorised and empowered to call on Andrew Ponton Esqr. Treasurer of of the Municipality of Gonzalez, and demand and receive of said treasurer two hundred dollars, making up the sum of Eight hundred dollars aforesaid the receipt of said Thomas Gay Esqr signed duplicate, One of which shall be filed in the executive office, shall be a sufficient voucher for said Ponton, treasurer aforesaid, in his settlement with the Government aforesaid

Section 4

And be it farther ordained and decreed, that Mathew Caldwell Esqr deputy Contractor for the army aforesaid, is hereby authorised by the Provisional Government aforesaid to draw orders on Andrew Ponton, treasurer aforesaid to pay for provisions, transportation, and other contingencies for the Army aforesaid, the said Mathew Caldwell specifying in said orders, receipts the article or articles, for which the same may have been given.

Section 5

And be it farther ordained and decreed, by the Provisional Government aforesaid that an Ordinance and decree for advancing the sum of Fifteen hundred Dollars for the benifit of the volunteer army of the People, under command of Genl S. F. Austin and other purposes "be and" is hereby repealed. And that the said Thos Gay be directed to return to the treasurer, the money he may have received by virtue of said ordinance which is so repealed.

Passed at San Felipe de Austin Dec 1. 1835

W Wm Pease
Secy of Genl Council

James W Robinson Lt Gov.
and Exoffico Presdt of Genl Council

Approved 2 Dec 1835 Henry Smith, Gor
C B Stewart. Secretary of Executive

An ordinance and decree for the relief of Sanoclot Smithers and others

Be it ordained and decreed and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That the treasurer of the Provisional Government of Texas, in pursuance of a report adopted by the General Council, be authorized and is hereby required to pay Sanoclot Smithers the sum of Two hundred and seventy dollars, as set forth in the first and fifth items of his account, for losses sustained and services rendered, while in the service of the Country in the Volunteer army of Texas, the above amount to be paid out of any money in the treasury not otherwise appropriated.

Section 2

Be it further ordained and decreed that the Treasurer be required to pay to Thomas J. Shaw forty Dollars, to D & J Sockridge the sum of thirty five dollars, to James D Elliott the sum of thirty dollars, taking duplicate receipts and deposited one in the Executive office, from the above named persons, individually for the sums so paid out, the same being for monies paid out by the above individuals, when sick on the road, while in the service of Texas, and provided for by an ordinance of the Convention not yet carried into effect

Passed at San Felipe de Austin Dec 1. 1835

James W Robinson. Lt Governor and Pres[t] of the Genl Council

E. M Pease
Secretary of Genl Council

Approved 2 Dec 1835 Henry Smith
Governor

G B Stewart. Secretary of Executive &c

Resolution for changing the name of the Municipality of Bevil to Jasper

Be it resolved that the name of the municipality of Bevil, be and is hereby altered and changed, to that of the municipality of Jasper, and that the public business and proceedings of said municipality, be in the name and style of Jasper, instead of Bevil Passed at San Felipe de Austin December 5. 1835

James W Robinson. Lieut-Gov[r] and Ex officio Pres[t] of the Genl Council

E M Pease Secy of Gen Council

Approved 3[d] Dec[r] 1835 Henry Smith
Governor

G B Stewart Secretary of Executive &c

An ordinance and decree, making it the duty of the Governor to issue a special Commission and warrant in the case of Wm B Steele &c

Whereas, the Consultation of the Chosen delegates of all Texas, in Gen[l] Convention assembled, by the 12th Section of the Organic Law of the Provisional

Government made provision for the appointment of certain Commissioners, to carry into effect the requisitions of the said 14th Section, to be executed under the order of the Provisional Government," Whereas W. S. Steele of Viesca acting as a Commissioner of deeds, for the Nashville Colony, has denied and contemned, the powers of the Consultation aforesaid, and refuses to obey the commands of the Provisional Government issued through the proper officer ——— Therefore, Be it ordained and decreed, by the General Council of the Provisional Government of Texas; that the Governor of the provisional Government aforesaid, be required and it is hereby made his duty to issue a special commission and warrant of arrest to D. L. Hood or to such other person or persons, as he may think proper, to carry into effect the 14th Section of the Organic Law aforesaid, and to arrest the person of the said W. S. Steele, and him forthwith to bring before the General Council of the Provisional Government aforesaid, to answer for his contumely and contempt of the Governmental authorities of the Provisional Government of Texas, created and adopted by the People, Representatives in General Convention assembled, provided in case of resistance on the part of the said W. S. Steele, the said D. L. Hood or whomsoever the Governor may appoint, shall be empowered by a writ of assistance to be issued by the Governor, at the same time with the Special Commission, to command in the name of the People all officers whether Civil or military and all good citizens to give aid, and to be aiding and assisting the said D. L. Hood in order to carry into effect, the mandate of the Provisional Government, as required by the 14th Section of the law formed by the General Convention, and the Commands of the Special Commission aforesaid ———

Passed at San Felipe de Austin Dec 2d 1835

James W Robinson
Lt Gov & Ex Officio Pst of the Gen Council

E. M. Pease
Secretary of Genl Council

Approved 3d Dec 1835 Henry Smith
Governor

Chas. B Stewart
Secretary of Executive

An Ordinance and Decree to Raise a Loan for the use of the Provisional Government of Texas.

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas that there shall be, and there is hereby created a loan of One Million of Dollars, for the use of the Provisional Government of Texas ———

Be it further ordained and decreed &c that the Commissioners appointed by the General Convention, Stephen F. Austin, Branch T. Archer and, Wm. Wharton, as agents of the Provisional Government, to the United States [illegible] Path, a majority of them, or either of them, or such other Commissioner

or Commissioners, as shall hereafter be appointed by the General Council of the Provisional Government aforesaid, be instructed to negociate the said Loan of One Million of Dollars, or such part thereof as they can effect, upon the best terms the market affords not exceeding ten per cent per annum —

Section 3d

Be it further ordained and decreed &c That the Governor shall immediately cause to be made out, ten several bonds or obligations. Conditioned for the payment of One Hundred Thousand Dollars each, for a period of not less than five or more than ten years, payable at the city of New York, or any city of the United States, as the case may be; The said bonds shall be signed by the Governor, and President of the General Council, and attested by the Secretaries thereof, and when so made signed and attested as aforesaid, the Governor shall deliver the same, to the said Commissioner or Commissioners, appointed as aforesaid, who are hereby directed to proceed forthwith to the United States, and there by all proper ways & means, by sale or pledge of said bonds, to effect the said loan or loans, or in such other manner, as the said Commissioner or Commissioners may be instructed, and if the said bonds shall be so sold or pledged, the said Commissioner or Commissioners, are hereby required and it is hereby made their duty to require the purchasers thereof, or the persons to whom the same may have been pledged, or loan otherwise effected, to deposit and place the money for which the said bonds, are sold or pledged, or loan otherwise effected, to the Credit of the Provisional Government of Texas, in the Union Bank of Louisiana at New Orleans, subject to be drawn for in such a manner as the Provisional Government may hereafter direct

Section 4th

And be it further ordained and decreed &c That it shall be the duty of the Governor to give such instructions to the said Commissioner or Commissioners, as the General Council shall order and direct for effecting the Loan aforesaid

Passed at San Felipe de Austin Decr 4th 1835

James W Robinson Lieut Governor
Ex officio President of General Council

E M Pease
Secretary of General Council

Approved 5th Decem 1835 Henry Smith
Governor

Chas B Stewart Secretary &c

An ordinance creating a Municipality off of and from the West Side of the present Municipality of Matagorda to be called the Municipality of Jackson —

Be it ordained and decreed and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That a Municipality shall be created off of, and from, the West side of the present Municipality of Matagorda the same shall be known by the name of the municipality of Jackson and the capital shall be at the Town of Texana lately known as Santa Anna

The municipality of Jackson is to be comprehended in the following

In the following boundaries. to wit, beginning at a point on Matagorda Bay equi distant from the Tres. palacios and Carancahua Bayous. and from thence running by a dividing line, to the head waters of the Tres palacios Bayou, and from thence a due North Course to the Northern *line of the Municipality of Matagorda Thence along said boundary line, a due west Course to the Labaca River. Thence down the centre of the said* to the Anchorage ground of the Labacay Bay in the Matagorda Bay. Thence to the Eastward along the northern Shore of Matagorda Bay to place of beginning

*"boundary" = "River"

The said Jackson municipality shall be entitled to all the functionaries. which the other municipalities are or may be entitled to and they shall be created in same manner as in others

Passed at San Felipe de Austin Dec 2 1835

James W Robinson Lieut Gov and Exofficio Presd of the General Council

E. M. Pease
Secretary of Genl Council

Approved 5th December 1835

Henry Smith
Governr

C S Stewart
Secretary of Executive &c

An ordinance and Decree, Altering and Changing the manner of drawing Drafts on the Treasurer &c.

Section 1st.

Be it ordained and decreed and it is hereby ordained and decreed. That the Committee of finance. be authorised, and it is hereby made the duty of said Committee on the final adjustment and settlement of any amount or amounts where a balance is obtained of the Government, to draw an Order upon the Treasurer for the Amount found due, to be paid out of any monies, not otherwise appropriated, which order shall be signed by the Chairman of said Committee, and shall be a sufficient Voucher in the settlement of accounts with *Treasurer, who shall take receipts agreeably to an ordinance of the General Council passed on the 24th of November; and so much of the said ordinance, which requires all orders upon the treasurer, to be passed by the General Council. and signed by the Governor and Secretary, be and the same is hereby repealed, provided that the said Committee on finance, shall report, all drafts or orders upon the Treasurer, to the General Council, and that a note thereof, specifying the Amount and date thereof may be entered upon the proceedings of this house.

*The

Section 2nd

And be it further ordained and decreed that all orders of appropriation of money by the General Council of the Provisional Government of Texas, shall be referred to the Committee on finance, who shall in like manner draw upon the Treasurer, for the amount or amounts in favour of the person or persons, who is or are named to receive the

same, as provided in the first section of this Ordinance. ——

Passed at San Felipe de Austin Dec 2nd 1835.

E. M. Pease
Secretary of Genl Council

James W Robinson Lieut Govr and
Exofficio Prest of the General Council.

Veto not sustained but passed by the
Constitutional majority and signed
12th Decr 1835

Henry Smith
Governor.

G. B. Stewart
Secretary of Executive &c

An ordinance and decree to organize and establish an Auxilliary Volun=teer corps to the army of Texas and other purposes. ——

Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, that all volunteers who shall tender their services to the Government of Texas for and during the war under the organic laws thereof, shall report to the Governor or to the Commander in chief of the army, whose duty it shall be to accept their services and make a corresponding report to the Governor, who shall issue commissions accordingly. ——

Section 2nd

Be it further ordained and decreed &c. That the Commanding officer of a detachment, company, battalion, or regiment as aforesaid, shall and it is hereby made his duty upon his reporting to the Governor, or to the Commander in Chief of the Army of Texas to accompany said report with a muster roll of his command, and he shall certify the same, and it shall be the duty of the Commander in Chief of the army to forward the same to the Governor of Texas after having caused to be taken and filed in his office copies of the same. ——

Section 3d

Be it further ordained and decreed &c. That the Volunteer auxilliary Corps" as aforesaid shall be organized as follows —— each platoon shall contain not less than twenty eight men, rank and file; each company two platoons, or fifty-six men rank and file; each battalion five companies or two hundred and eighty men, rank and file; each Regiment two bat=talions or five hundred and sixty men, rank and file: That each platoon may be officered by one first Lieutenant; each Company one Captain, one first Lieutenant and one second Lieutenant; each battalion One Major; and each Regiment one Colonel, One Lieutenant Colonel, and one Major; and all Volunteer Officers shall take rank in their respec=tive grades according to the date of their Commissions; and where there are several Officers in any One grade of the same date of appointment seniority of rank shall be determined by drawing numbers which

shall be done by order of the Commander in Chief of the Army. ——

Section. 4th.

—— Be it further ordained and decreed &c. That each Volunteer who shall volunteer his services and is accepted by the Government agreeably to the provisions of this ordinance shall receive the same pay rations and clothing which was allowed by the Laws of the United States during their last war with Great Britain. ——

Section 5th

—— Be it further ordained and decreed &c. That all volunteers who shall enter the service agreeably to the provisions of this decree, shall be entitled to one mile square or six hundred and forty acres of land to be selected out of the public domain of Texas and all volunteers who shall become disabled in the service of Texas and who shall be discharged therefor before the expiration of the term for which they Volunteered in Consequence of inability or disability shall receive the aforesaid one mile square or six hundred and forty acres of land as a bounty. ——

Section 6th

—— Be it further ordained and decreed &c. That if any Volunteer or volunteers shall die in the service of Texas, then and in that case it shall be and is hereby declared that their bounty of land shall descend to their heirs and legal Representative or Representatives; with all the benefits which the said volunteer could have Claimed had he been living. ——

Section 7th

—— Be it further ordained and decreed &c. That it shall be the duty of the Governor or the Commander in Chief to accept all volunteers who shall tender their services for a less time than during the war, agreeably to what he shall think the defence of the Country and the good of the service may require; and all volunteers thus accepted shall be allowed the same pay Clothing and rations that are allowed by this Ordinance to the Volunteers whose services are accepted for and during the War and shall be placed upon the same footing with the permanent Volunteers except the allowance of the bounty of land. ——

Section 8th

—— Be it further ordained and decreed &c That when any vacancy shall occur in the Volunteer Corps of Texas, the same shall be filled by Lineal or Company promotion as the Case may be and all the Command Subordinate to the station or appointment which has been Vacated by pro= =motion as before provided all the rank and file of the Command as aforesaid shall have a right to vote in the election. ——

Section. 9th

—— Be it further ordained and decreed &c That when any vacancy shall occur in the Volunteer Corps, it shall be filled by Company promotion and that when promotions to fill Vacancies are thus made it shall be the duty * Colonel or Volunteer officer highest in Command to —

order an election to fill the vacancy thus Created by promotion aforesaid. and the same shall be certified to the Commander in Chief whose duty it shall be to forward the same to the Governor who shall issue Commissions accordingly. ——

Section. 10th

Be it further ordained and decreed &c. That all Volunteers for three months in the auxilliary Volunteer Corps of Texas shall be entitled to a bounty of three hundred and twenty acres of land after receiving an honorable discharge. ——

Section. 11th

Be it further ordained and decreed &c That there shall be allowed to each regiment of the Regular army of the auxilliary Volunteer Corps or of Militia of Texas, one adjutant, one paymaster, one Quartermaster, one quarter-master sergeant, one Commissary, and one sergeant-Major to be appointed by the Colonel and to be taken out of the subalterns of the line of such Regiment; also one Surgeon and one Surgeons mate to be appointed in the Regular Army by the Surgeon General thereof; and in the Militia or auxiliary Volunteer Corps, by the Colonel or Commanding officer thereof; all of which said Staff-officers shall receive the same additional pay and emoluments, and the same pay rations and Clothing as Staff Officers of the same rank and grade in the service of the army of the United States of America. ——

Passed at San Felipe de Austin Dec 5th 1835.

James. W. Robinson Lieut Gov and Exofficio Prest of the General Council

E. M Pease
Secy of Genl Council

Approved 8th December 1835

Henry Smith
Governor

Resolution authorizing W. Pettis to purchase certain articles for use of the Volunteer army now in the field. ——

Resolved that the Contractor for the Volunteers Wm Pettus be instructed to proceed immediately to the Towns on the Sea Coast and purchase the following articles for the army and cause them to be forwarded with dispatch Viz.

666. pairs warm Pantaloons
333. Vests . . . . . .
666. pairs Socks . . . . . .
333. Round Jackets . . . . .

and be it also resolved that the said Contractor be instructed to forward at all times to the volunteer army such things as may be from time to time ordered by the Commander of that army, and report the same to the Provisional Government. Passed at San Felipe de Austin Dec 5th 1835.

James. W. Robinson Lieut Gov and Exofficio Prest of the General Council

E. M. Pease
Secy of Genl Council

Approved 6th December 1835 Henry Smith

An Ordinance and decree, designating the boundaries to the Municipality of Jefferson, and for other purposes. ——

Section 1st

Be it ordained and decreed, and it is hereby. Ordained and decreed by the General Council of the Provisional Government of Texas that the Municipality of Jefferson shall have the following boundaries. Viz to commence on Sabine River, fifteen miles above Ballows ferry, and run down said River, to its junction with Sabine Bay thence West along said Bay, to the mouth of the River Naches, thence up said River to "Grants "Bluff" and thence on a direct line to the place of beginning. ——

Section. 2nd

And be it further ordained, and decreed, that Messrs John Cole Richard Ballow, John Harmon, and Thomas Hecut, be and they are hereby authorised, to select a suitable place for the seat of Justice for the aforesaid Municipality. ——

Passed at San Felipe de Austin Dec 5th 1835

James W. Robinson Lieut Gov and Exofficio Pres of the Genl Council

E. M. Pease
Secy of Genl Council

Approved 9th Dec 1835

Henry Smith
Governor

Chas B. Stewart
Secy of Executive &c

An ordinance and decree, Authorising and requiring the Governor to give instructions, to Commissioners to the United States of the North.

Section. 1st

Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, that S. F. Austin, Branch T. Archer and William H Wharton, appointed by the General Convention on the twelfth day of November last as public agents or all or either of them or such other agents as may be hereafter appointed by the General Council, shall receive their instructions from and signed by the Governor and attested by the executive Secretary; and it is hereby made the duty of the Governor to give the same, upon the principles, and for the objects, herein after stated, and be directed to proceed with all Convenient despatch, to the said United States of North America, in execution of the duties assigned them. ——

Section. 2nd

Be it further ordained and decreed &c that the Commissioners aforesaid shall be instructed, to effect a loan for Texas for the Amount and upon the principles, declared in an Ordinance of the Provisional Government; entitled an Ordinance to raise a loan for the use of

the Provisional Government of Texas, passed december fourth. One thousand. Eight hundred and thirty five. ——

Section. 3rd.

"And be it further Ordained and decreed &c. That if the loan on Government bonds, cannot be advantageously negotiated. That the Commissioners be instructed to pledge or hypothecate, the public lands, of Texas". and to pledge the public faith of Texas". in such manner and with such restrictions as shall best comport with the honor and dignity of the State and give effect to the pledges;

Provided also that the said Commissioners shall be Authorised, and instructed to Create a Stock or funded debt upon such pledges, as may be agreed upon, to be sold in Shares, on terms such as will not exceed the rate per Cent, Ordained in the Ordinance Authorising a loan for Texas And be it also further provided, that such part or parts of the public Revenues of the Country, may be pledged as shall be sufficient to pay the Annual interest upon any and all loans effected under the restrictions herein-before stated. &. ——

Section. 4th.

Be it further Ordained and decreed &c. That the said Commissioners, shall be authorised and required, to make purchases by and through proper and Competent Agents, Appointed by them or a Majority of them of all the Munitions of War, Camp equipage supplies and other Articles ordered to be procured, by an Ordinance entitled an Ordinance" to purchase Munitions of War, provisions &c. for the use of the Army and defence of the sea Coast" passed the 27th. day of November 1835, and forward such articles under instructions of the Governor, to such points, and in Charge of such persons, as he may in Conjunction with the ——. Commander in Chief of the Regular, Army, direct. ——

Section. 5th.

Be it further Ordained and decreed, that it shall be the duty of the said Commissioners, or a Majority of them as soon as may be, to purchase one or more or all the Vessels of war of the Character and description Contained in the Ordinance entitled, an Ordinance" for establishing a Navy passed the 25th. day of November 1835 and they shall be authorised and empowered to appoint an Agent or Agents for said purpose, and for any other object connected with their mission with full powers to act in the name and behalf of the Provisional Government of Texas" in the name of said Commissioners, who shall be held accountable for the fidelity of any Agent or Agents so appointed by them; —— Also provided that the said Commissioners or a Majority of them, may give letters of Marque and reprisal with which they shall be furnished in blank legally signed by the Governor and Secretary, to such persons and under such restrictions, as are required by the Ordinances of the Provisional Government of Texas". ——

Section 6th

Be it further Ordained and decreed, that in the event of

effecting a loan, as provided for by the Ordinance passed for that purpose, the said Commissioners or a Majority of them, shall be authorised and empowered, to give orders on Checks upon the Bank where is deposited the Monies of the Government for the payment thereof. so that the amount drawn shall not exceed two hundred thousand Dollars, and the balance of the monies deposited shall remain subject to the future Orders of the Provisional Government of Texas" to whose Credit the whole loan shall be first entered. ——

Section 3th

And Be it further Ordained and decreed that the said Commissioners, shall be furnished with separate instructions, to hold communication with the Government of the United States of North America, relative to the political situations and relations of Texas, under such instructions as the Governor may deem prudent and Consistant in the present revolutionary state of Texas, and the Mexican Republic, and that such instructions may be sent at the discretion of the Executive. ——

Passed at San Felipe de Austin Dec. 5th 1835

James. W. Robinson Lieut Gov and
Exofficio Prest of the General Council

E. M. Pease
Secy of Genl Council

Approved 5th December 1835

Henry Smith
Governor

Whereas, a communication having been received by the Council from General Edward Burleson, the Command=er in Chief near Bexar — of the Volunteer army, which was referred to your Committee to examine, and report upon whereby W.E. are informed that Colonel William Pettus has been appointed Contractor for the Volunteer Army. ——

Therefore. be it ordained and decreed, and it is hereby Ordained and decreed, by the General Council of the Provisional Government of Texas", that the appointment of Colonel William Pettus, as Contractor for the volunteer army near Bexar be confirmed by the General Council. ——

Section 2nd

Be it further Ordained and decreed that the said Contractor, William Pettus be fully Authorised and empowered and he is hereby Authorised and empowered, to procure by purchase or otherwise, all such Articles of Clothing, Provisions, Military supplies &c. as may from time to time be ordered by the Commander in Chief of the Volunteer Army, or the General Council, and the same to be forwarded by the said Contractor to such place or places, as he

may be instructed by the Authority aforesaid. ——

Section 3rd

Be it further Ordained and decreed &c That the said Contractor William Pettus, shall report Monthly to the General Council, all articles which may be Obtained and forwarded to the aforesaid volunteer Army by himself; and that the said Con=tractor shall take sufficient Vouchers as contemplated by the Or=dinance passed on the 24th of November 1835. ——

Section 4th

Be it further Ordained and decreed &c That the aforesaid Contractor William Pettus give bond and security in the Amount of two Thousand Dollars, for the faithful performance of his duty as Contractor, and that the said bond be taken in the name of the Pro=visional Governor, and his successor in Office. ——

Section 5th

Be it further Ordained and decreed, that the said Contractor William Pettus, be and is hereby Authorised to appoint one or more deputies, should it become necessary and that the said Contractor be held responsible for all the acts of his deputy or deputies, while in the discharge of their duties or duty as Contractor or Contractors.

Passed at San Felipe de Austin Dec 5th 1835.

E. M. Pease
Secy of Genl Council

James W. Robinson Lieut Gov and
Ex officio Pres of the Genl Council

Approved 5th Dec 1835
Henry Smith
Governor.

A Resolution authorising the Commanding Gen=eral, to send one or two agents &c with the Commissioners to the United States &c.

Resolved that the Commanding General be and is hereby authorised to send One or more Agents out of his staff, or Officers in the line in Company with the Commissioners to the United States, to purchase under the direction of said Com=missioners, Provisions, Arms, and Munitions for the supply of the regular Army. ——

Passed at San Felipe de Austin Dec 6th 1835

E. M. Pease
Secy of Genl Council

James W. Robinson Lieut Gov and
Ex officio Pres of the Genl Council

Approved 8th Dec. 1835 Henry Smith
Governor

A Resolution, authorising the Commissioners to the United States to divide the deposit between the Union Bank of Louisiana, and the Bank of Orleans.

Resolved that the Commissioners to the United States, be and are hereby authorised to divide the deposit ordered to be made in New Orleans, between the Union Bank of Louisiana, and the Bank of Orleans in such proportions as they may deem best.

Passed at San Felipe de Austin Dec 6th 1835
James W Robinson Lieut Governor and
Exofficio Pres. of the General Council

E. M. Pease
Secy of Genl Council

Approved 8th December 1835
Henry Smith
Governor

Resolution, authorising our foreign Agents to receive donations for Texas.

Be it resolved, by the General Council that our foreign Agents shall be authorised and empowered, and are hereby authorised, and empowered to receive all monies, and donations of any kind, that may be given or presented to Texas, by the Citizens of the Country which they may visit and if said agents should receive any money or monies to deposit the same in some safe Bank, and report the same to the Provisional Government of Texas.

Be it further resolved, that a Certified Copy of this resolution be furnished said Agents.

Passed at San Felipe de Austin Dec 6th 1835
James W Robinson Lieut Gov and
Exofficio Pres of the Genl Council

E. M. Pease
Secy of Genl Council

Approved Dec 8th 1835
Henry Smith
Governor

2 copys given agents
Copy for Nacogdoches
Do for Gail Borden

C B Stewart
Secy of Executive

Resolved That William Pettis, the Contractor for the Volunteer Army in Conjunction and with the advice of J. J. McKinney, be directed to make such provisions for General Mexia, and his Command, at the Mouth of the Brazos as will enable them to proceed into the interior &c with the object

of carrying the war into the enemies Country; and that General Mexia be required to report his plan of Operations, through the said Contractor in writing to the Provisional Government of Texas. ——————

Passed at San Felipe de Austin Decr 6th 1835

James W Robinson Lieut Govn and
Exofficio Prest of the Genl Council

E. M. Pease
Secy of General Council

Passed by a Constitutional majority my Veto to the Contrary not withstanding ——

Henry Smith
Governor

Chs B Stewart
Secy of Executive

An Ordinance and decree to provide for the Out fit and Contingent Expenses of Our Foreign Agents to the United States of America.

——— Be it Ordained and decreed and it is hereby Ordain=ed and decreed by the Authority of the General Council of the Provisional Government of Texas, that the Governor shall be and is hereby Authorised to draw on Messrs. McKinney and Williams of Quintana in favour of each of Our Foreign Agents Messrs S. F. Austin and B. T. Archer for the sum of five hundred Dollars or to draw Bills of Exchange Bonds of Credit or any other writing Obligatory which may enable them to raise the sum of Five hundred Dollars each for the purpose of defray=ing the Expenses of their Mission. ———

Section 2nd

——— Be it further Ordained and decreed that our Foreign agents to the United States of America Messrs S. F. Austin and B. T Archer be and they are hereby authorised to draw upon any agent or Agents, Bank or Banks in which any of the funds of Texas may be deposited for a further Sum of two Thousand Dollars each for the pur=pose of defraying any other expenses of their said Mission for all of which Sums so drawn the Provesional Government is held liable and Responsible

Passed at San Felipe de Austin Decr 6th 1835

James W. Robinson Lieut Governor and
Exofficio Prest of the Genral Council

E. M. Pease.
Secy of General Council

Approved 8th Decr 1835

Henry Smith
Governor

Charles B Stewart
Secretary of Executive &c

Be it resolved, that the prisoners taken at Goliad, Colonel Sandoval and others, be taken to the town of San Augustin in the Municipality of San Augustin, and there delivered to the Committee of Vigilance and safety, and by them to be safely kept subject to the disposition of the Council, and that the Governor be and is hereby empowered to carry into full force and Effect this resolution.-

Done at San Felipe de Austin Dec^{r} 6th 1835
James W. Robinson Lieut Governor and
Ex officio Pres^{t} of the General Council

E. M. Pease
Secy of Gen^{l} Council

Approved 12th Dec^{r} 1835
Henry Smith
Governor

Chas B Stewart
Secy of Executive &c

An Ordinance and decree for Creating a General Post-Office Department.-

Section 1st

Be it ordained and decreed and it is hereby Ordained and decreed by the" General Council of the Provisional Government of Texas" that there shall be, and there is hereby created and established a General Post Office" to be under the Charge and direction of a "Post Master General appointed by the General Council", who shall give bond with Approved security, in a sum not less than Five thousand Dollars payable to the Governor for the time being and his successor in Office. The Post Master General" shall have power to appoint the necessary assistants and Clerks for doing the business of his office" he shall establish post Offices, and appoint post masters at such places as he shall deem expedient, on the Post Roads, that are or may be established by Ordinances and decrees, of the Provisional Government" he shall give instructions to the Post Masters, and all other persons he shall employ or who may be employed in any of the departments of the" General Post Office" relative to their several duties, he shall provide for the Carriage of the Mail on all post Roads, that are or may be established by the Ordinances, and decrees of the "Government" aforesaid as often as he shall think proper having regard to the productiveness thereof-; he shall obtain from the several Post Masters, their accounts and Vouchers, for the receipts and expenditures of their several Offices, once in every three Months, or oftener if he think proper, shewing the balance thereon in favour or against the General Post Office he shall pay all necessary expenses incident to the General Post Office" in Consequence of Mails Collection of the Revenue and in the General Management thereof from the incomes of the General Post office department. if the receipts thereof be sufficient. Otherwise he shall report the deficiency to the Govern^{t}

of the Provisional Government" who shall submit the same to the legislative power for providing ways and means for such deficency; he shall prosecute or cause to be prosecuted, all offences against the "General Post Office" establishment; he shall render an account current to the "Provisional Government of Texas" once in every three months of all the receipts and expenditures in the said department to be adjudicated and settled as other public accounts, at the same time Stating generally the Condition of the department, Suggesting Such improvements as in his Opinion may be useful and necessary; and he Shall render his first quarterly accounts, on the first day of March eighteen hundred and thirty six; he shall have a general Superintendance of the business of the said department in all the duties that are or may be assigned to it, provided that in case of the Death, resignation or removeal from Office, of the "Post Master General" All the duties of the Department shall be performed by his assistant, or Chief Clerk until a Successor shall be appointed to take Charge of the "General Post Office" —

Department - ———

Section 2nd

— Be it further Ordained, and decreed that the Post Master General and all assistants, Clerks, and Post Masters, and other persons employed in and about the department or in the Care, Custody, or Conveyance of their Mails, shall previous to entering upon the respective duties assigned them, take and Subscribe the following Oath or affirmation, in addition to the Oaths required of all Officers of the Government before some person legally authorised to administer Oaths. ———

——— That "I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the laws in relation to the establishing of the General Post Office and Post Roads".

Section 3rd

Be it further Ordained, and decreed that the Post Master General, may provide by Contract, for the Conveyance of the Mail, on any road on which a Stage, Waggon, or any other stage Carriage, Shall be established, on condition that the expense thereof, shall not exceed the income thence arising

All Contracts for Carrying the Mail whether on Horse back or Otherwise shall be for any term not exceeding two years revocable at the pleasure of the Post Master General, and at all times subject to such alterations as to time of departure, arrival, and distances and frequency of transportation as he may think proper, Subject, However to increase or diminution on the Amount to be paid on said, contract, to the Contractor in ratio of increase or dimenition of services required. and it shall be lawful for the Post Master General, to impose such fines and forfeitures upon the mail Contractors, for all failures they may make in not regularly and faithfully complying with the terms of their Contract as in his Opinion may be just and proper, Provided, that no fine for a failure in delivering the mail at the appointed time shall exceed the pay for one trip. ———

Section 4th

— Be it further Ordained, and decreed that no other than a Citizen

European, Anglo American, or Mexican, shall be employed in Conveying the Mail on any of the Post Roads, either as Carrier, rider, or driver, and any and every Violation of this Ordinance shall subject the Contractor for each Offence, to forfeit, and pay the sum of One hundred Dollars, One Moiety thereof to the use of the Provisional Government, the other Moity to the person who shall sue for and Prosecute the same before any Court having Competent Jurisdiction thereof.

Section 5th

Be it further Ordained, and decreed, that if any person shall knowingly and willfully obstruct, or retard the passage of the Mail or of any Driver, or Carrier, or of any horse, or Carriage Carrying the same he shall upon Conviction thereof, for every such Offence pay a fine not exceeding One hundred dollars, and if any Ferryman shall by wilful neglect, or refusal to transport the Mail acros any ferry, hinder, or delay the same he shall forfeit and pay for every ten Minutes the same shall be so delayed a sum not exceeding ten Dollars.

Section 6th

Be it further Ordained and decreed, that it shall be the duty of the Post Master General, to give public Notice in one or more of the News Papers of Texas for at least four Weeks before entering into any Contract for Carrying the Mail that such Contract is intended to be closed on the day and at such place, as he may designate that Sealed Proposals will be received for Contracts, the notice shall designate the places from and to which such mail is to be Conveyed, the time at which it is to be made up, and the days and hours in which it is to be delivered. He shall moreover within thirty days after the making of any Contract, lodge the duplicate thereof; together with a Copy of the proposals which he shall have received respecting it, in the Executive Office of Texas. And no Contracts shall be entered into for a longer time than two Years.

Section 7th

Be it further Ordained and decreed, that every Post Master, shall keep an Office in which one or more persons, shall attend on every day on which a Mail or bag, or other Packet or Parcel of Letters, shall arrive by land or water as well as on such other days, and hours as the Post Master General, shall direct for the purpose of performing the duties of his office, and it shall be the duty of all Post Masters at all reasonable hours on every day of the week to deliver, on demand any letter paper or Packet to any person entitled to or authorised to receive the same, and all letters brought to any Office half an hour before the time of making up the Mail at such Office, shall be forwarded therein

Section 8th

Be it further Ordained and decreed, that no fees or perquisites, shall be received by any person employed in the General Post office on account of the duties to be performed in virtue of his office

Section 9th

Be it further Ordained, and decreed, that the following rates of

Postage, shall be Charged on all letters, and Packets except such as are herein after exempted, Conveyed by the Mails and Posts of Texas, that is to say for every letter Composed of a single sheet of paper, and conveyed any distance not exceeding twenty Miles, Six and one fourth Cents, Over twenty and not exceeding fifty Miles, twelve and a half Cents, over fifty and not exceeding One hundred Miles, eighteen and three fourth Cents, Over one hundred and not exceeding two hundred Miles, Twenty five Cents - All distances exceeding two hundred Miles Thirty seven and a half cents, upon all ship letters Six and One fourth Cents, shall be charged in addition to the above rates, on all letters Composed of two pieces of paper, there shall be Charged double the rate of a single letter. Letters Composed of three pieces of Paper, triple those rates, and for every packet Composed of four or more pieces of paper, or other thing and Weighing one Ounce Quadruple those rates, and in that proportion, for all greater weights - And for all letters, or News papers going out of Texas, it shall be the duty of the Post Masters, to require the postage in Advance. ———

Section 10th

——— Be it further Ordained and decreed that if any Post Master, or any person authorised by the Post Master General, to receive the Postage of letters, shall fraudulently demand or receive, any rate of Postage, gratuity or reward, further than is provided by this Ordinance, for the postage of letters and packets on Conviction thereof, he shall forfeit for every such Offence One hundred Dollars, and shall be rendered for ever incapable of holding any Office of trust under the Government of Texas. ———

Section 11th

——— Be it further Ordained, and decreed that no ship, or Vessel arriving at any port within Texas where a Post Office is established shall be admitted to report make entry or break bulk, until the Master or Commander, shall have delivered to the Post Master, all letters, directed to any person or persons within Texas under his Care, or within his power which shall be brought in such Ship or Vessel, except such as are directed to the Owner or Consignee of such Ship or Vessel, and except also such as are directed to be delivered at the Port of delivery to which such Ship, or Vessel, may be bound. And it shall be the duty of the Collector, or other Officer of the Port empowered to receive entries of Ships or Vessles to require from every Master or Owner, or Commander of such Ship or Vessel an Oath or Affirmation, purporting that he has delivered all such letters except as aforesaid and if any Commander or Master of any such Ship or Vessel, shall break bulk before he shall have Complied with the requirements of this Ordinance, every such offender shall on Conviction thereof forfeit for every such offence, a sum not exceeding One hundred Dollars ———

Section 12th

——— Be it further Ordained and decreed that the Post Masters to whom such letters or packages, shall be delivered shall pay to the Master or Commander or any person delivering the same, except the Commanders of foreign Packets three Cents for each letter or Packet and shall obtain from

the person delivering the same a Certificate stating the number of letters and packets with the name of the Ship or Vessel and the place from whence she last sailed, which Certificate with a receipt for the Money shall be reported with his quarterly accounts Current to the Post Master General which amount will be placed to his Credit ——

Section. 13th

—— Be it further Ordained and decreed that if any person other than the Post Master General, or his deputy, or persons by them employed shall be concerned in setting up, or maintaining any foot or horse, Post waggon, or other Post Carriage, on any established Post Road or from one Post Town to another Post Town, or any road adjacent or parallel to an established Post Road, or any Packet boat, or other Vessel to ply regularly from one place to another: Between which a regular Communication by water shall be established by the Provisional Government of Texas" and shall receive any letter, or Packet other than Newspapers Magazines, or Pamphlets, and carry the same by such foot stage Waggon, or other Carriage, or packet boat or Vessel excepting only such letter or letters, as may be directed to the Owner or Owners of such Conveyance, and relative to the same, or to the person to whom any packet or bundle in such Conveyance is intended to be delivered every person so offending shall forfeit for every such offence One hundred Dollars ——

Section 14th

—— Be it further ordained, and decreed, that the deputy Post Masters, and other agents of the Post Master General" shall duly account and answer to him for all sum letters which shall come to their hands and for this purpose the Post Riders and other Carriers of the Mail — receiving any such letter or letters which they shall be bound to do if presented two Miles and upwards from a Post Office shall deliver the said letter, or letters to the Post Master or his deputy, at the first Post Office he may arrive at, together with the Postage if paid, whose duty it shall be to specify the same as on letters weighing Sixty and one fourth Cents additional postage on each letter, he may have so reserved to be paid by him to the Carrier who delivered them; Letters directed to persons living between Post Offices, may be delivered by the Carrier, and the postage thereof duly Collected, And it shall be the duty of the Carriers of the Mails to take Charge of all such letters as shall for that purpose be committed to them by the Post Masters and Collect the postage thereof, which it shall be the duty of the Post Master to pay over to the said Post Master as it is Collected, And for every letter so delivered the Mail Carrier delivering the same shall be allowed to demand and receive Six and one fourth Cents to his own use, besides the ordinary postage, If any Post Master or other Agent of the Post Master General, shall neglect to account for the same he or they so offending shall on Conviction thereof forfeit for every such offence, a sum not exceeding One hundred Dollars. ——

Section 15th

Be it further Ordained and decreed, that if any Post Master or other agents of General Post office shall unlawfully detain delay, or open any letter Packet bag or mail of letters, with which he shall be intrusted, or which shall have come to his or their possession and which are intended to be Conveyed by Post, or if any such person shall secrete imbezzle, or destroy any letter or Packet intrusted to him or them, as aforesaid and which shall not Contain any security for or assurance relating to Money as herein after described every such Offender being thereof duly Convicted, shall for every such Offence be fined in a Sum not exceeding three hundred dollars, and be imprisoned not exceeding Six Months, according to the Circumstances or aggravation of the Offence and if any person employed as aforesaid shall secrete imbezzle or destroy any letter, Packet, Mail, or bag of letters with which he shall be intrusted, or which shall have come into his or their Possession and are intended to be Conveyed by Post, Containing any Bank Note, Post Bill, or other paper expressive of Value, or if any such person employed as aforesaid shall steal or take any of the same out of any letter, Packet Bag, or Mail of letters that shall come to his possession, he shall for every such Offence be imprisoned for a term not exceeding ten Years; and if any person who shall have taken Charge of the Mail of Texas; shall quit, or desert the same before he delivers it into the Post Office, kept at the termination of his route, or to some Known Mail Carrier, or agent of the Genral Post Office, duly authorised to receive the same, every such person so offending shall forfeit and pay a sum not exceeding five Hundred Dollars, for every such Offence; and if any person Concerned in Carrying the Mail of Texas, shall cause or procure, the same to be done Contrary to this Ordinance, every such Offender shall forfeit and pay for every such Offence a Sum not exceeding two hundred Dollars.

Section 16th

Be it further Ordained, and decreed, that if any person shall rob any Carrier of the Mail of Texas, or other person intrusted with such Mail, or any part thereof, every such Offender, or Offenders, shall on Conviction, be imprisoned not exceeding ten years and if Convicted a second time of alike Offence, he or they shall suffer death or if in effecting such Robbery of the Mail, the first time, the Offender shall wound the person having the Custody thereof, or put his life in Jeopardy, by the use of dangerous Weapons, such Offender, or Offenders, shall suffer death, and if any person shall attempt to Rob the Mail of Texas, by assaulting the person having the Custody thereof by shooting at him or his horse or Mule, or threaten him with dangerous Weapons, and the Robbing is not effected every such Offender on Conviction thereof shall be punished by imprisonment not exceeding ten Years. And if any person shall steal the Mail, or shall steal or take out any Mail, or part thereof, out of any Post Office, or any letter or Packet, or if any person shall take the Mail or any letter or Packet therefrom, or from any person having the

whether with or without the Consent of the person having Custody thereof the same containing any Article of Value or of any person shall by fraud or deception obtain from any person having Custody thereof, any Mail Letter or Packet, or any Article of Value, such Offender or Offenders on Conviction thereof shall be imprisoned not exceeding three Years and if any Letter, or Packet not Containing any article of Value or Evidence thereof out of a Post Office, or shall open any letter or Packet which shall have been in a Post Office, or in the Custody of a Mail Carrier before it shall have been delivered to whom it is directed with a design to abstract the Correspondence, or to pry into another business or shall secrete, embezzle or destroy, any such, Mail, Letter or Packet, such Offender upon Convic=tion shall for every such Offence pay a fine not exceeding five hundred Dollars, and be imprisoned not exceeding twelve Months.

Section. 17th.

Be it further Ordained, and decreed that if any person shall rip, cut, tear, or burn, or otherwise injure any Portmanteau Valise or other Bag used, or directed to be used by any person acting under the Authority of the Post Master General" or any person in whom has powers are vested in the Conveyance of any Mail, Letter, Packet, Newspaper, or Pamphlet, or shall draw or break any Staple or loosen any part of any Lock, Chain, or Strap attached or belonging to any such Valise, Port=manteau, or Bag, with an intent to Rob or Steal, any Mail, Letter Packet, Newspaper or Pamphlet, or to render either of the same insecure every such Offender upon Conviction shall for every such Offence, pay a sum not exceeding five hundred Dollars, or be imprisoned not exceeding three Years, at the discretion of the Court, before whom such Conviction is had.

Section 18th.

Be it further Ordained and decreed, that any person who shall from and after the Passage of this Ordinance procure, Aid, advise or assist in the doing or perpetrating of any of the Acts or Crimes by this Ordinance forbidden to be done, or performed shall be Subject to the same penalties and punishments, as the Persons are subject to who shall actually do or perpetrate any of the said Acts or Crimes ac=cording to the Provisions of this Ordinance.

Section. 19th.

Be it further Ordained, and decreed that every person who shall be imprisoned by a Judgment of Court, under and by Virtue of the fourteenth, fifteenth, Sixteenth and Seventeenth, Sections of this Ordi=nance shall be kept at hard Labour, or otherwise, shall be fined and punished as the Court may direct.

Section. 20th.

Be it further Ordained, and decreed, that the Post Masters, shall respectively publish at the Expiration of every three Months or oftener when the Post Master General shall so direct in one of the Newspapers, at or nearest the place of his residence, for three successive

Weeks a list of all the letters, remaining in their respective Offices, or instead thereof, shall make out a number of such lists and Cause them to be posted up, at not less than Five of the most public Places in their Vicinity, as shall appear to them best adapted for the information of the Parties Concerned, and at the expiration of the next three Months, shall send such of the letters, as then remain on hand as Dead letters to the General Post office where the same shall be Opened, and inspected and if any Valuable papers, or matters of Consequence, shall be found therein, It shall be the duty of the Post Master General, through his deputies, as how he shall have ascertained the residence of the writer, or writers thereof, through his deputies to return them or if after a discriptive list thereof has been published in one of the Newspapers published at the place most Convenient to the supposed residence of the Owner, if within Texas, the person or persons, to whom such letter or letters, may have been directed and intended shall make application therefor, It shall be the duty of the Post Master General, or any of his deputies, upon being satisfied that the applicant is the proper owner to deliver them to such person or persons, upon the Postage and expense of publication being paid. And in either Case to require from persons so receiving letters to receipt to the post Master General therefor specifying in such receipt that it is for such letter or letters, as may have been advertised and described And if neither the writer or individual to whom the letter is addressed shall not make demand in their own proper person, or lawful Agent within two years after the advertisement thereof as aforesaid the said Contents shall be applied to the use of Texas, until the same shall be reclaimed by the proprietor thereof, and the manner of such application to be specially stated by the Post Master General to the Executive Office ——

Section 21st.

—— Be it further Ordained, and decreed, that all Newspapers Conveyed in the Mail, shall be under Cover, open at one end, and charged with a Postage of One cent each, for any distance not not more than fifty Miles, and one and ahalf cents each for any greater distance, And that the Post Master General, and his deputies shall require there to receive Newspapers by Post to pay the Postage Quarterly in Advance. If any person employed in any department of the General Post office shall improperly, detain, delay, hinder, embezzle, or destroy any Newspaper, or shall permit any other person to do the like or shall open, or permit any other person to open, any Mail, or packet of Newspapers, not Directed to the office where he is employed, he shall on Conviction thereof forfeit a sum not exceeding One hundred Dollars for every such offence — And if any other person shall open any Mail, or Packet of Newspapers or shall embezzle, or destroy the same not being directed to himself or not being authorised to receive or open the same he shall on Conviction thereof pay a sum not exceeding Fifty Dollars for every such offence and if any person shall take or steal any Packet, Bag, or Mail of Newspapers from or out of any post office or from any person having Custody thereof, such person shall on Conviction, be imprisoned not ——

exceeding three Months for every such offence; if any Person shall enclose or conceal, a Letter or other thing or any Memorandum in Writing, in a Newspaper or among any Package of Newspapers which he shall have delivered into any Post Office, or to any person for that purpose in Order that the same may be Carried by Post free of Letter Postage, he shall forfeit the sum of Ten Dollars for every such offence, and the letter News paper, Package Memorandum, or other thing shall not be delivered to the Person to whom it is directed until the amount of Double letter postage is paid for each article of which the Package shall be composed; When the mode of Conveyance and Size of the Mail will admit it Magazines and Pamphlets may be transported in the Mail, at three Cents a Sheet for any distance not exceeding fifty Miles. For any distance over fifty and not exceeding One hundred Miles, six and one fourth Cents and ten Cents for any greater distance ——

Section 22nd

Be it further Ordained and decreed that the Post Master General be Authorised to allow to the Post masters Respectively such Commission on the Monies arising from the postage of letters as shall be adequate to their respective services, and expenses, Provided that the said Commission shall not exceed thirty per cent on the first hundred Dollars, And twenty five per Cent on a sum over One hundred and not exceeding three hundred Dollars, and twenty per Cent on any sum over Four hundred Dollars and not exceeding Two thousand Dollars. And Eight per cent on any sum Collected being over Two thousand four hundred Dollars except to Post Masters, who may be employed in Receiving and dispatching foreign Mails Whose Compensation may be Augmented, not exceeding twenty five Dollars for One quarter the Post Master General, may allow to the Post Masters respectively a Commission of thirty per cent on the Monies arising from the Postage of News Papers, Magazines, and Pamphlets, and each Post Master, who shall be required to keep a Register of the arival and departure of the mails shall be allowed ten Cents for Each Monthly return thereof to the General Post Office. ——

Section 23rd

Be it further Ordained and decreed, that if any Post Master or other person Authorised to receive the Postage of Letters shall neglect or refuse to render his accounts and pay over to the Post Master General, the balance by him due at the end of every three Months It shall be the duty of the Post Master General, to Cause a Suit to be Commenced against the Person or persons so neglecting or refusing. And if the Post Master General, shall not Cause such Suit to be Commenced within six months from the end of every such three Months the balance due from any such delinquents shall be charged to and recovable from the Post Master General, that all suits, which shall hereafter be Commenced for the recovery of debts, or balances, due to the General Post Office whether they appear by Bond, or obligations

shall be made in the name of the existing or other preceding. Post Master General, or otherwise shall be charged in the name of the Post Master General of Texas, that Certified Copies under the Seal of the General Post Office, of the Accounts Current of the several Post Masters after the same shall have been examined and approved at that office shall be admitted as evidence in all suits brought by the Post master General, for the recovery of debts, or balances due, from Post Masters, or other persons, and in like manner, Copies of such accounts Current as are lodged in the Executive office, under the Seal of the General Post office Department shall be admitted as evidence.. ———

Section. 24th

——— Be it further Ordained and decreed, that all Letters and Packets, to and from the following Officers of Texas shall be received and Conveyed by Post, free of Postage, Each Post Master, provided the Packages do not exceed one-half Ounce in Weight: The President, and Members of the Provisional Government, the Secretary of the General Council, that is during their actual attendance, or during a Session, and for thirty days after a Session the Governor of the Provisional Government Treasurer, and Post Masters General, all Officers of the Army and Navy, Collectors and Officers of the Revenue, when Communicating on Subjects Connected with Public service and they all may receive their Newspapers by the Public Post free of Postage, Provided that no Letter, or Packet from any public Officer shall be conveyed by post, free of Postage, unless he shall frank the same by Writing his Name and Office on the outside of such letter, or packet, and in case of Officers of the Army, Navy, and Collectors and Officers of the revenue there shall be added the words "on Public Service. ———

Section 25th

——— Be it further Ordained, and decreed that if any person shall Frank letters, other than those Written by himself, or by his order he shall, on Conviction thereof pay a fine of Twenty dollars, and if any person shall Counterfeit the Frank or hand Writing, or cause the same to be done, in order to avoid the payment of postage, each person so offending shall for every such Offence pay One hundred Dollars; Provided that every printer of Newspapers may send one paper, to each and every other Printer of Newspapers in Texas, and send and receive out of Texas any Number of Papers not exceeding Fifty free of Postage under such regulations as the Post Master General may provide. ———

Section 26th

——— Be it further Ordained, and decreed that if any Post Master, or other person, who shall receive open or dispatch Mails, shall neglect to render accounts thereof, for one month after the time, in manner, and form, Provided, by Law and by the Post Master Generals instructions, he shall forfeit and pay, double the value of the Postages, which shall have arisen at the same Office in Equal portion of time previous or Subsequent thereto, or in case no amounts or account shall have been rendered, at the time of trial of such Cau

then such sum as the Court and Jury shall estimate equivalent thereto to be sued for and recovered by the Post Master General in an action on the case ——

Section 27th

—— Be it further ordained and decreed, that all pecuniary penalties and forfeitures incurred under this Ordinance, shall be one half for the use of the person or persons informing and prosecuting and the other half for the use of Texas. ——

Section 28th

—— Be it further ordained, and decreed that it shall be lawful for the Post Master General, to make provision, when it may be necessary, for the receipt of Letters, and Packets, intended to be conveyed by any ship or Vessel, beyond Sea, or from any other port in Texas, to another Port therein and the letters so received shall be formed into a Mail or Packet sealed up and directed to the Post Master of the port to which such ship or Vessel, shall be bound and for every letter or Packet so received there shall be paid at the time of its reception a postage of two Cents each which shall be for the use of the Post Masters respectively receiving the same, and the Post Master General may make arrangements with the Post Masters, in any foreign Country for reciprocal delivery of letters, Newspapers, Packets, and Pamphlets through the Post Office department, in any manner he may deem expedient and necessary. ——

Section 29th

—— Be it further Ordained and decreed that for every letter lodged at any Post Office not to be carried by post but to be delivered at the place where it is lodged the Post Master, shall receive Six and one fourth Cents of the Person to whom it shall be Delivered. ——

Section 30th

—— Be it further ordained, and decreed that the Post Masters, and persons employed in the Transportation of the Mail shall be exempt from Militia, duty, Serving as Juros or Working on Public Highways. ——

Section 31st

—— Be it further Ordained, and decreed, that all Causes of action, arising under this Ordinance, and decree, may be sued and all offenders prosecuted before the proper Judicial Officers of Texas they having Competent Jurisdiction by the laws of Texas of the trial of Claims and demands, of as great Value, and Crimes of as great extent, and such Judicial Officers shall take Cognizance thereof, and proceed to Judgment and award execution as in other Cases

Section 32nd

—— Be it Further Ordained, and decreed that in all suits or Causes of Action arising under this Ordinance, and decree the Courts shall proceed to trial and render Judgment at the

last term after such suit shall have been Commenced; Provided always that where ever process, shall not have been made, twenty days at least previous to the return day of such term, the defendant shall be entitled to one Continuance of the Court on the Statement of such defendant, shall deem it expedient, Provided also, that if the defendant in such suit, shall make affidavit that he has a Claim against the General Post office, not allowed by the Post Master Genual although Submitted to him Conformably to the regulations of the Post office department, and shall specify such Claims in his affidavit and that he could not be prepared for the trial at such term for want of evidence the Court in such case being satisfied in those respects may grant a Continuance until the next Succeeding term.

Section. 33rd

Be it further Ordained, and decreed, that it shall be the duity of the Post Master General, to report Annually of every Post Road and Office, which shall not from the second year, have produced one third the Amount of its expenditures.

Section. 34th

Be it further Ordained, and decreed, that a mail, or Post Rout, is hereby Established, from the place where the General Post Office shall be located to the Seat of Justice of each Municipality of Texas to go into operation so soon as Contracts can be made by the Post Master General for transporting the Mails, and the Post Master General, shall regulate and determine as to the Roads on which the said Mails, shall be Caried, how often and all other arangements relating thereto, as he may think proper.

Section. 35th

Be it further Ordained and decreed that the Post Master General shall be entitled to receive for his services per Annum the sum of Twenty hundred Dollars. payable Quarterly.

Passed at San Felipe de Austin December 7th 1835
James W Robinson Lieut Gov and
Ex officio Pres. of the Gen Council

E M Pease
Secy of Genl Council

Approved 12th December 1835
Henry Smith
Governor

Council Hall San Felipe
De Austin Decr 8th 1835

The following Resolutions, were this day passed by the General Council and are transmitted for your information.

Resolved that the Governor be and he is hereby directed to

instruct our foreign Agents to purchase seven hundred Barrels of Flour instead of 350 required in the ordinance providing supplies for the regular army ——

Section 2nd

—— Resolved That the Governor be and he is hereby directed to instruct the Commissioners to the United States to contract with one or more Bakers for and on account of this Government to proceed to this place or to the seat of Government and report themselves to the Governor. ——

Passed December 8th 1835
James H Robinson Lieut Gov and
Exoffico Prest of the Genl Council

E M Pease
Secy of Genl Council

Approved 9th Dec 1835
Henry Smith
Governor

Council Hall San de
Austin Dec 8th 1835.

—— Resolved That John Forbes be and is hereby appointed a Commissioner in place of John Laplaser for carrying into effect the 14th Section of the Organic law of the Provisional Government, and that a Majority of the said Commissioners shall have full power to act — And that the papers and archives of the land Officers and of the Political Chief be placed by said Commissioners into the hands of John Forbes and Arthur Henry subject to the orders of the Provisional Government and that Arthur Henry be hereby appointed a Collector of dues on land giving the necessary security for faithful performance. approved by the Commissioners. ——

Passed at San Felipe de Austin Dec 8th 1835
James H Robenson Lieut Gov and
Ex officio Prest of the Genl Council

E M Pease.
Secy of Genl Council

Approved 9th Dec 1835
Henry Smith
Governor

An Ordinance and decree for the relief of Bartolemo Pajes

—— Be it ordained, and decreed, and it is hereby Ordained, and decreed, that the Governor be required, and it is hereby made his duty, to draw upon the Commissioners of Texas to the United States of the North, or either of them, for the Sum

of Eight hundred and Sixtyseven Dollars the Amount awarded by the General Council of the Government aforesaid, to the said Barthlome Pajes, for Fifty one horses or riding Animals pressed for the public service by Captain P. Dimmitt, Commandant of the Garison of Goliad, and that the same be paid out of the first monies received for the account of Texas, in the City of New Orleans and that the said Commissioners be instructed to take a receipt for the amount paid, which shall be their Voucher on the Settlement of their public accounts provided, that the sum so received by the said Pajes shall be no bar to any future claim for a balance upon the Value of the said horses or Animals which he can establish as his just due.

Passed December 9th 1835

James W Robenson Lieut Governor and Exofficio Prest of the General Council

E.M. Pease
Secy of Genl Council

Approved 9th Decr 1835

Henry Smith
Governor

Be it resolved, that the services of Colonel Powers be accepted and that he be requested to repair immediately, to Velasco, or, any other Point and wait upon General Mexia with a Copy of the Resolutions passed this day requesting General Mexia, to proceed to Bejar and to accompany the Expedition and extend all the aid in his Power with authority to draw on this Government for any amount of money necessary in forwarding the objects of said resolutions.

Passed at San Felipe de Austin Decr 10th 1835

James W Robinson Lieut Gov and Exofficio Prest of the General Council

E.M. Pease
Secy of General Council

Approved 12th Decr 1835

Henry Smith
Governor

A Resolution for Calling a Convention.

By the laws of Creation and Nature all men are free and equal, of these natural rights no man can be forcibly deprived, on the principles of immutable Justice, a desire for domination and power in Man over his fellow Man, subjects the Weak and unambitious to the machinations of the more subtle and strong. To avoid such evils, social Compacts or governments are formed

for mutual and individual protection — to this end each member of a Community surrenders Certain of his natural rights for common security; thus of necessity all the legitimate powers of any Government are immediately derived from the Governed — the people are Sovereign and all the Officers designated for the execution of their Civil Compact; are agents and accountable for their fidelity, When such agents assume the Character of Principals, or dictators, and attempt of their own will to subvert the form and true principles of the Governmental Compact and substitute another without the consent of the Parties, Whose agents they are, resistance from the people is necessary and a Virtue in this situation are the Citizens of Texas and a considerable portion of the Mexican Republic" of which Texas is a part — Resistance is — therefore a duty. The protection of our liberties are Natural and reserved right to make it so. Arms are the resort, and on Arms the People will find their only security, from the oppression of ambitious Tyrants, whose Chains are forged to manacle our Citizens, and subdue them to their Will, Courage and bravery in resistence, and prudence in Council, will restore to us the Natural Sovereignty of all Governments — One Civil Compact or constitution is destroyed and another must be formed to Guarantee the purposes, and ends of Political associations —— A Provisional or temporary Government however wisely formed, or prudently administered, is at best uncertain and insecure, permanency and Strength should be the basis of all Governments —— Therefore.

Be it resolved, that in Virtue of the powers vested in the "Provisional Government of Texas" by the representatives of the people in Convention Assembled, and it is hereby resolved, by the General Council of the Provisional Government aforesaid, that a Convention of delegates of the people, from each Municipality of the three departments of Texas, shall be called to assemble on the first day of March next at the Town of Washington

Section 2nd

Be it further resolved, that the delegates elected by the People, be clothed with Ample unlimited or plenary powers as to the form of Government to be adopted provided that no Constitution formed shall go into effect until the same be submitted to the People and Confirmed by a Majority thereof in such manner as shall be prescribed by a provision in such instrument.

Section 3rd

Be it further resolved, that the acting Judge or in case there be no acting Judge, the alcalde of each municipality be required, and it is hereby made his duty, to issue writs of Election, to some Competent and respectable Citizen, of each election district, to hold the election in the said district on the first day of February 1836. to be Conducted in the manner, that elections have heretofore been Conducted, allowing all free white males and

and Mexicans, opposed to a Central Government to Vote Provided that no proxy Votes shall be received excepting Nevertheless, all the Citizen Volunteers, in the Army, each of whom shall have a right to his Vote, which he shall write upon paper, over his own proper Signature and send to the Judge or Alcalde of his respective Municipality to be received, on or before the day of the election aforesaid — And also provided that the said Judge or Alcalde, shall appoint the several places for holding said elections, of which time and place for holding the same, reasonable Notice shall be given in the best manner for informing the People thereof; and duplicate returns of each Election shall be Made to the Judge or Alcalde aforesaid one of which shall be filed in the Archives of his office the other to be presented at the Convention as evidence of the Election of the Members. ———

Section 4th

——— Be it further Resolved, that with a view to an Just an equalization of Representatives as can be at present determined that the Municipality of Austin shall elect Three Delegates. Brazoria Four. Washington four, Mina three, Gonzals two, Viesca two. Nacogdoches four, San Augustin four, Liberty three, Harisburg two, Jasper two Matagorda two, Jackson two, Jennehaw two, Jefferson two, Refugio two Goliad two, San Patricio two, Bexar four, Guadaloupe Victorio two and the Citizens of pecan Point two. ———

Section. 5th

——— Be it further resolved that the Governor shall and it is hereby made his duty, as soon as may be to Issue his Proclamation for Carrying into effect the preceding resolutions. ———

Passed at San Felipe de Austin Dec 10th 1835

James W. Robinson Lieut. Governor and
Ex officio Pres of the Genl Council

E. M. Pease
Secy of Genl Council

This was Vetoed by the Governor but it Passed by a Constitutional Majority on 13th Dec 1835

Henry Smith
Governor.

An Ordinance and decree granting a bounty in land to Certain Volunteers in the army of the People of Texas. ——

——— Be it ordained and decreed and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas, that there shall be and there is hereby granted to each Volunteer

in the army of the People of Texas, his heirs or legal representatives who may have been or may hereafter be killed in Battle or shall come to his death by wounds or any accident whatever in going to or returning from the Volunteer army of the People of Texas. One mile square or Six hundred and forty acres of Land in Texas.

Passed at San Felipe de Austin Dec^{r} 11th 1835

James W^{m} Robinson Lieut Governor and Ex officio Pres^{t} of the General Council

Ex^{d} M. Pease
Sec^{y} of General Council

Approved 12th Dec^{r} 1835

Henry Smith
Governor

An Ordinance and decree Establishing and improving duties on imports and tonnage, and for other purposes.

Section 1st

Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas" that all that part of the Coast of Texas lying between the line of the United States on the river Sabine to the western boundary line of Zavalas Colony, including all the Bays Harbours, Rivers, Creeks, and inlets within said limits be and the same is hereby Created and established a district for revenue purposes and shall be styled and known as the Sabine Revenue District

And all that part of the Coast of Texas between the western line of Zavalas Colony and Oyster Creek, including all Bays, Harbours, Rivers, Creeks and inlets, within said limits be and the same is hereby Created, and established a District for revenue purposes and shall be styled, and known as Galveston Revenue District

And that part of the Coast from the mouth of Oyster Creek to the entrance of Cedar Lake into the Gulf, including all Bays Harbours Rivers Creeks and inlets within said limits, be and the same is hereby Created and established a District for Revenue purposes and shall be styled and known as the District of Brazos

And that part of the Coast from the entrance of Cedar Lake into the Gulf to the western line of the Jurisdiction of Matagorda including all the Bays Harbours Rivers Creeks and inlets, within the said limits be and the same is hereby Created and established a District for Revenue Purposes and shall be styled and known as the District of Matagorda.

And that part of the Coast from the

Western line of the District of Matagorda as far as the Guadaloupe River, be and is hereby Created a District for Revenue purposes, and shall be Styled and known as the District of Jackson ——

——— And that part of the Coast from the Western line of the District of Jackson, as far as it may be necessary to include all the Coast of this Government, all Bays, Harbours, Rivers, Creeks, and inlets be, and the same is hereby Created and established a District for Revenue purposes, and shall be known as the Aransas District

Section. 2nd

——— Be it further Ordained and decreed, that the Ports of Sabine, Galveston Bay, Brazos, Matagorda Labaca, and Copino, be and they are hereby Created and established Ports of Entry in their respective Districts ———

Section. 3rd

——— Be it further Ordained and decreed, that there shall be appointed by the Governor and Council for each Revenue District a Collector of the Port and all other officers necessary to enable the Collector, to enforce the collection of Revenue arising under this Ordinance, the Collector so appointed shall enter into Bond and security to be approved by the Governor in the sum of Ten Thousand Dollars, payable to the Governor at the time being, and his Successors in Office for the faithful performance of his duties, which bond shall be filed in the Executive Office, and may be sued on and Recovery had for any Amount of Money or Monies or other things due to and owing to the Government, or any individual, or individuals, or body politic or Corporate, and in like Manner actions of trespass and damages may be sustained if any should Occur in Consequence of Neglect of duty

——— The Collector of each Port is hereby authorised to depute One or more respectable, persons, to assist in transacting the business appertaining to their respective business and take bond and approved security, payable to themselves conditioned for the faithful performance of their respective duties, to account for and pay over all such Sum or Sums of Money, as shall come into their hands or possession, as such deputy; and the said Collector may from time to time recover on said bond, in a Summary way before any Court having Jurisdiction thereof. ———

Section 4th

——— Be it further Ordained and decreed that the Collectors and deputies, shall before they enter upon the duties of their Office take and Subscribe the following Oath in addition to the Oath prescribed by the Organic law" before some person legally Authorised to Administer Oaths —

That I AB will use my best endeavours to Collect all revenues which may become due and owing to the Government of Texas from Tonnage and Impost duties that I will faithfully account for and pay over, all such sum or Sums of Money as may Come into my hands by Virtue of my appointment; and duly perform all other lawful duties assigned

to my said appointment to the best of my skill and ability. ——

Section. 5th

——— And Be it further Ordained and decreed that there shall be a Collector for a Revenue district to embrace all the Eastern Border of the line of Texas from the Mouth of the Sabine River to the Red River which shall come under the same Rules, and Restrictions as the Ports on the Sea Coast, and that the place of entry and Collection shall be at the residence of Maxamilian near the Sabine River. ———

Section. 6th

——— And be it, further Ordained and decreed; That on Conviction of any person or persons of smuggling or of an attempt to Smuggle in Goods, Wares, and Merchandise with the intention of defrauding Government, he or they shall forfeit such goods, Wares, and Merchandise so attempted to be smuggled in to be passed upon, by the Judge of the Municipality in a summary Way, and the said forfeited Goods Wares or merchandise, shall be sold at public Auction by Order of the said Judge or proper Officer. giving ten days notice thereof at the Court-house door, and two other public places; One half of the Nett Proceeds, to be for the use of the Government, One fourth to go to the Informer and One fourth, to go to the Collector of the Port for prosecuting &c ——— And the person or persons so Convicted shall be subject to such other fine or fines as the Court having Cognizance of the Case may impose. Provided it shall not exceed One hundred per Cent on the assessed Value of the Goods, Wares or Merchandise and on default of payment, he or they shall be imprisoned not Exceeding Eighteen Months at the discretion of the Court. ———

Section. 7th

——— And be it further Ordained and decreed that all the principal Collectors under this Ordinance and decree shall be entitled to receive on settlement ten per Cent of the Nett proceeds arising from the Revenue of his port. Provided it shall not exceed One thousand Dollars, per annum as a Compensation for his services in discharging the duties of Collector and said principal Collector shall receive such other perquisites as the Collector of the Port of New Orleans, (in the United States of the North) receives all of which he shall keep a Corect account of and report the same quarterly to this Government or that which may succeed it. ———

Section. 8th

——— And be it further Ordained and decreed that it shall be lawful for any Collector of the Revenue at any of the established Ports to call upon any Civil Military or Naval Officers to aid and assist in the enforcement and execution of these Ordinances and decrees, and none of the aforesaid Officers shall refuse or fail to give all the reasonable assistance in his or their power to the Collector aforesaid, under the Penalty of his or their being

discharged from the Office which they may hold. ——

Section 9th

—— And be it further Ordained and decreed that said Principal Collector shall and he is hereby Authorised to pay out of the Public funds. Collected all the necessary Expenses of his Office to be adjudged of on his quarterly report. provided that this Ordinance does not authorise the payment of deputies if he should think proper not to Act in Person. ——

Section 10th

—— And be it further Ordained and decreed that the Collectors of each District, and the Collectors of the Ports of entry and delivery of Texas and all other Officers, belonging to the Revenue or Custom House department shall be and are hereby Clothed and Vested with all power and Authority in their respective District and Port requisite and necessary to execute the duties and discharge the functions of their respective Offices, and stations in order to secure more effectually the revenue aforesaid are hereby Vested with such powers and directed to perform such duties as belong to the same grade of Officers of the —— Customs in the Ports and Revenue districts of the United States of North America ——

Section 11th

—— Be it further Ordained and Decreed, that there is hereby imposed Assessed and levied, upon all Goods, Wares and Merchandise Imported from foreign Ports either by land or by sea into any Port Bay Harbour, or River of Texas or within the limits thereof a duty of Twenty per Cent on such as are entitled to a Debenture, in the Port or Ports from Whence the same may have been Shipped and a duty of Ten per Cent on such goods Wares and Merchandise imported as aforesaid as are not entitled to a Debenture in the port or ports from whence the same —— may have been shipped. ——

Section 12th

—— Be it further Ordained and decreed, that it shall be the Duty of each and every person importing Goods, Wares, and Merchandise of any kind whatever, either by land or by sea or the Consignee or Consignees, or the Master of the Vessel, in which the same may be imported, having Charge thereof, on the Arrival of the Vessel in Port or within the limits of Texas to lay before, and exhibit to the Collector of the Port or District a Certified Manifest (invoice) and Certificate of Debenture of the Goods, Wares, and Merchandise so imported or brought within the limits aforesaid, and the Collector shall require an Oath or affirmation of the person or persons introducing or his or their Consignee that the said Certified Manifest (invoice) is Correct and true and that no fraud or deception is intended to be practised, which if satisfactory to the Collector shall be received as fixing the Value; If on the Contrary the Collector is not satisfied as to the Correctness and truth of the Manifest affirmation or Oath, he shall at the Cost of the Owner or

hes or their Consignee, Call upon and appoint two good and suf-
=ficient Men who together with the Surveyor or inspector: after being
duly Sworn by the Collector aforesaid, shall proceed to examine and
appraise the said Goods, Wares and Merchandise and fix and
establish the value and price thereof, at what they should be reason-
=ably worth, at the Port or place of their Exportation, and when the
same shall have been examined and Appraised as aforesaid, the
Surveyor Inspector and two Appraisers aforesaid, shall make a Cer-
=tified return of the Value of such goods, Wares, and Merchandise
to the Collector who shall thereupon, Assess, impose, and levy a Duty
of Twenty per Cent upon all Goods, Wares and Merchandise as are
imported or brought in, entitled to debenture aforesaid, and Ten per
Cent on all such as are not entitled to a Debenture aforesaid and
shall Collect the same from the, Owners thereof, or the person or persons
Importing the same, or the Consignee, or Consignees to whom the same
are addressed or Consigned, or the Master of the Vessel in which the
same may have been Imported having Charge thereof, and the said
Goods, Wares, and Merchandise shall be and the same is hereby
made liable for the said duties so Assessed or admitted as aforesaid
Provided nevertheless that all Goods, Wares and Merchandise imported
by any Emigrant, such as Farming utensils, household furniture
provisions and Stores, and all kinds of Machinery intended for the use
of said Emigrants and not for sale, and all public property of any kind
Whatever, belonging to or intended for the use of Texas Government or
the Army or Navy thereof, and all meat and Bread Stuffs, and
Lumber for building, shall be and the same is hereby declared exempt
from all duty Whatsoever (During the War).

Section. 13th

And be it further Ordained and decreed &c that the
Collectors of duties shall be required to exact Cash in hand, on all
Importations as aforesaid on which the duties do not exceed One
hundred Dollars, and for all receive Bonds, Payable within Sixty
days, with Security to be approved by himself, payable to himself or
his Successors in Office, for all sums over One hundred Dollars and which
does not exceed five hundred Dollars on any one importation— If the
said sum should exceed five hundred Dollars, he shall receive bonds
with Security approved* himself to himself and* Successors in Office
Payable within Six Months thereafter.

*by
his

Section. 14th

And be it further Ordained and decreed that all
Custom house bonds, or obligations, made and executed in accordance
to the foregoing ordinance, shall have the force of a Judgment from
its date, and the Judge or other proper Officer, shall on Application
of the Collector issue Execution thereon— any law to the Contrary—
Notwithstanding.

Section 15th

——— And be it further Ordained and Decreed that these Ordi=nances, Establishing duties on Imported Goods, Wares, Merchandise &c. into Texas, shall take effect, and be in full force from and after the day of their Passage. ———

Passed at San. Felipe De. Austin Decr 8th 1835
James W. Robinson Lieut Gov and Exofficio
Prest of the General Council ———

E. M. Pease
Secy of Genl Council

Approved 12th December 1835
Henry Smith
Governor

——— Resolved. That when any uncertainty as to the rank of Officers, of the regular Army, of the Same grade shall arise; Seniority of rank shall be determined by drawing numbers which shall be done by order of the Commanding General, agreeably to the provisions of the third section, of an Ordinance, and decree, entitled an Ordinance, and decree to organize and establish an Auxiliary Volunteer Corps, to the Army of Texas &c ———

Passed at San Felipe de Austin Decr 12, 1835
James W. Robinson Lieut Governor and
Exofficio Prest of the General Council

E.M. Pease
Secy of Genl Council

Approved 15th Decr 1835
Henry Smith
Governor

——— Resolution Authorising the Commander in Chief to accept the services of Five=Thousand Auxiliary Volunteers and other purpose ———

——— Resolved That the Commander in Chief, shall have power to accept the Services of at least five Thou=sand, Auxiliary Volunteers, in addition to the local Volunteers, agree=ably to the Organic Law, and the Ordinances, and decrees of the General Council of Texas ———

——— Be it further Resolved that the Governor be requested, to Issue his Order to the commanding General of the Army of Texas, to remove his head Quarters to the Town of Washington until further orders ———

Passed at San Felipe de Austin Decr 13th 1835
James W. Robinson Lieut Gov and Exofficio
Prest of the General Council ———

E. M. Pease. Secy of
General Council

Approved 15th Decr 1835
Henry Smith
Governor

Be it Resolved by the General Council of the Provisional Government of Texas, that the Treasurer is Authorised and it is hereby made his duty, to draw on the Commissioners in New Orleans, for the sum of two hundred and Seventy Dollars in favour of Juan Jewitt, being the amount of a Draft in his favour, drawn by Captain S. Dimott, for Horses bought for the Public Service.

Passed at San Felipe de Austin Dec. 13. 1835
James W. Robinson Lieut. Gov. and
Ex officio Pres. of the Gen. Council

E. M. Pease. Secy
of General Council

Approved 13th Decr 1835
Henry Smith
Governor

C B Stewart
Secy of Executive

Supplement to "an Ordinance and decree entitled an ordinance and decree establishing and imposing Duties of imports and Tonage and for other purposes."

Be it ordained and decreed and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That there shall be and there is hereby laid and established a Duty of one dollar and twenty five Cents Tonnage on each and every Vessel of, over ten Tons burthen, that may arrive or enter any port, harbor, or within any Revenue District established in Texas, Coming from Foreign Ports, which said tonnage duties shall be collected and paid over by the Collector or his deputy agreeably to the provisions of the ordinance and decree, to which this is a Supplement.

Be it further ordained and decreed. That there shall be, and there is hereby laid and established a specific duty of twelve and one half Cents. per Gallon upon all Whiskey, American Gin, Rum and Brandy, instead of an "advalorem" duty as laid by the Ordinance and decree to which this is a Supplement.

Passed at San Felipe de Austin Decr 13th 1835
James W Robinson Lieut Gov and Ex officio
President of the General Council

E. M. Pease Secy
of General Council

Approved 15th Decr 1835
Henry Smith
Governor

C B Stewart
Secy of Executive

An ordinance and decree increasing the Bounty to Soldiers of the regular Army

Be it Ordained, and

decreed and it is hereby ordained, and decreed by the General Council, of the Provisional Government of Texas" that all persons entitled to a bounty by the fifth and sixth sections of an Ordinance and decree, to raise a regular Army passed on November the twenty fourth, Eighteen hundred and Thirty five, shall be entitled to an additional bounty over and above the bounty already given, of one hundred and Sixty Acres of Land, and twenty four Dollars in money one half of said (money) twenty four dollars, to be paid to Each Soldier upon being Mustered at head Quaiters of the regular Army, and the other half at the first quarterly payment thereafter—

Passed at San Felipe de Austin Dec 14th 1835

James W Robinson Lieut Gent and
Ex officio Pres of the Gen Council

E. M Pease Secy
of Gen Council

Approved 15th Dec 1835

Henry Smith
Governor

C B Stewart
Secy of Executive

Recorded

Resolution for Appointing Thos. F. McKinney Agent &c

Be it Resolved and it is hereby resolved by the General Council of the Provisional Government of Texas. that Thomas F McKinney of the firm of C McKinney and Williams be and he is hereby Constituted an agent of the Government of Texas for the purpose of receiving and Keeping Charge of the public Stores for the armies of Texas, at the Mouth of the River Brazos, to be delivered to the orders of the proper Officers of the Government aforesaid and the said McKinney as agent aforesaid is authorised, and required to provide for and supply Volunteers for the Army who come within the meaning and provisions of an Ordinance and Decree entitled an Ordinance and decree to Organise and estab=lish an Auxilliary Volunteer Corps to the Army of Texas and other purposes, and passed the 5th day of December 1835. with the Necessary Arms Ammunition and provisions to enable them to do duty, and reach head quarters where he shall direct them to proceed with all Convenient despatch provided that the said Government agent shall in all Cases take duplicate receipts for all articles or money advanced

Passed at San Felipe de Austin Dec 15th 1835

James W Robinson Lieut Gov and
Ex officio Pres of the Gen Council

E. M. Pease
Secy of Gen Council

Approved 17th Dec 1835

Henry Smith
Governor

C B Stewart
Secy to Executive

An Ordinance and decree for Creating the Municipality of Sabine and for Organising the Same.

Section 1st.

Be it ordained and decreed and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas, that all that part of the Municipality of San Augustine bounded as follows commencing at the junction of the Sahoon Bayou with Sabine River running up said Bayou to the Bowden old place thence on a straight line to Austen Thompsons at the intersection of the Nacogdoches and San Antonio road with the Polly gauch Creek thence in a South Westwardly direction to the Big Prarie on the Ayish Bayou thence down the said Ayish Bayou to the mouth of Bear Creek thence in a South Eastwardly Direction to the head of little Cow Bayou thence down said Cow Bayou to its Junction with the Sabine River thence up said River to the beginning and known by the name of the Sabine District shall be and is hereby Created and made a Seperate Municipality by the name of Sabine with all the priveliges and Immunieties of other Municipalities of Texas ——

Section 2nd.

—— Be it further Ordained, and decreed &c. That Jackson Jones, William Clarke and Benjamin Holt &c and they are hereby Appointed Commissioners to locate a Place for the Seat of Justice or Municipal Town for said Municipality of Sabine Where the Judges shall hold their Courts and where the Archives and records of the said Municipality shall be kept and the said Commissioners are hereby Authorised and required to hold the Election for all Municipal Officers on or before the first day of January Next, first giving Reasonable Notice of the time and places for holding such Elections and to administer the Oaths of office to each Judge, and all the Municipal Officers, so Elected, and make report thereof to the Governor of the Provisional Government of Texas immedately thereafter. ——

Section 3rd.

—— And Be it further Ordained, and decreed &c. That the said Municipality of Sabine shall be entitled to Elect and send two Deligates to the General Convention to meet at Washington on the first day of March next provided that that part of the ordinance calling a Convention to meet on the first of March next at Washington giving the right of the Municipality of San Augustine to send four Members, be and the same is hereby repealed and the said Municipality shall be entitled to but three Delegates insteads of four. ——

Section 4th.

—— Be it further Ordained——————— and decreed &c that the said Municipality of Sabine shall be authorised forthwith to Elect one Delegate as a Member of the General Council of the Provisional Government of Texas who shall be entitled to all

the privileges of the other members of said Council."

Passed at San Felipe de Austin Dec^r 15^th 1835

E. M. Pease Sec^y
of the Gen^l Council

James W. Robinson Lieut Gov and Ex officio
Pres^t of the General Council

Approved 15^th Dec^r 1835

E B Stewart
Sec^y of Executive

Henry Smith
Governor

An Ordinance and decree. For sequestering and securing the wreck and Cargo of the Schooner Hannah Elizabeth and instituting an enquiry respecting the same and for other purposes. ——

——— Whereas by satisfactory information this Council is induced to believe that certain proceedings in relation to the capture and recapture and disposition of a Schooner from New Orleans has been attended with suspicious Circumstances of injustice to the owners of the Vessel and Cargo and a disregard of the laws of the Country and of Nations. ———

Section. 1^st.

——— Therefore be it Ordained and decreed and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas, that Thomas Barnett, Robert H. Williams and James Collinsworth. be and they are hereby appointed Commissioners to be Commissioned and instructed by the Governor with full powers to take Sequester Secure and retain in the name of the Provisional Government of Texas the late Schooner Hannah Elizabeth Captured by the Mexican armed Vessel the, Bravo, and recaptured by a party Commanded by or acting under the advice of Captain ——— Hurd of the Schooner William Robbins of Texas together with all her tackle Cargo and whatsoever else belonged to her or was of her freight And also the said Commissioners Shall Constitute a Court of inquiry with full powers to call before them by Coersive measures of necessary any and all persons Concerned in the said recapture and disposal of said Schooner and Cargo, and all who may have any knowledge of facts connected therewith and upon Corporeal Oath which said Commissioners Shall have full powers to Administer to each and all such persons as they may think proper to examine in relation to the same to demand and receive true Answers to such Questions as they may deem pertinent to the matter all which shall be made and kept in writing and duly Signed by the Witness or Witnesses in presence of and attested by said Commissioners and Cause to be arrested and sent before this Council any and all persons whom acts on due proof shall appear to be of such a nature as show Contempt of the Laws in such cases Provided,

the Government of Texas. Provided that the said Commissioners shall make a full Report of the testimony, and of all their proceedings on the case with all convenient dispatch to the Governor and Council of the Government of Texas. ——

Section. 2nd

——— Be it further Ordained and decreed so that the said Commissioners be required and it is hereby made their Duty to take the most prompt and efficient measures to secure on safe keeping all the Mexican Owners taken by the Recapture and on board of the Schooner Hannah Elizabeth that they may be made to answer to the Laws, and for the safety of such persons as were Captured by the Mexican Armed Vessel Bravo, and detained as Prisoners. ———

Section. 3rd

——— Be it further Ordained and decreed so that the Governor is required, and it is hereby made his duty forthwith to issue a Special Commission to Thomas Barnett, Robert. H. Williams and James Collinsworth, with instructions Conespondant to and in accordance with this Ordinance and decree accompanied with a Special Writ of assistance requiring and Commanding In the name of the people free and Sovereign all officers whether Civil, Military, or Naval and all good Citizens of Texas to be aiding and assisting the said Commissioners in the Execution of their Commission. ——

Passed at San Felipe de Austin Dec 17th 1835

James W. Robinson Lieut Gov and Ex officio Pres. of the Gen Council

E. M. Pease. Secy of Gen Council

Approved Dec 17th 1835

Henry Smith Governor

An Ordinance and Decree Augmenting the Regular Army by Creating a Legion of Cavalry. . . .

——— Be it ordained, and decreed, and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas" that there shall be and there is hereby Created a Legion of Cavalry, to be a part, and under the Command of the Commander in Chief of the Regular Army of Texas during the present war, said Legion of Cavalry to be Composed and organized as follows to wit, a Legion of Cavalry shall consist of one Lieutenant Colonel Commandant, one Major. one Adjutant One Quarter Master, One Pay Master, Each being a Lieutenant one Surgeon, and two Surgeons Mates, Six Captains, Six first and Six Second Lieutenants. Six Coronets, two Sergeant Majors —

five Quarter Master Sergeants two Chief Musicians first and Second and twelve other Musicians, twenty four Sergeants, twenty four Corporals and two hundred and eighty six Privates including five Saddlers five Blacksmiths, and five Boot makers, which together shall form two Squadrons, each Squadron of three Companies. ——

Section. 2nd

—— Be it further Ordained, and decreed &c that the arms and equipments, of the Legion of Cavalry Shall be as follows to Wit one half of the Legion of Cavalry, to be Armed with good double Barrel Shot Guns of the usual Length, with flint Locks, the other half with American Yagers, half Ounce bore, flint Locks, and Suitable Equipments &c a Broad Sword and a brace of Substantial Horsemans Pistols, with Brass Mounted Holsters. and shall Carry a belt Cartridge box, Calculated to Carry twenty four Cartridges, each Trooper shall be Equipped with a Spanish Saddle, with Cadet Grey housing two good Blankets. a substantial girth, and Surcingle a pair of Martingales, a bridle with a double rein Curb and a heavy Pair of Brass Spurs, the Uniform of the Cavalry, shall be a suit of Cadet Grey Cloth Coats yellow buttet buttons and pantaloons for Winter, and two suits of Grey Cottonade, round aboutts and pantaloons for Summer and Fur Caps, black cloth Stocks and Cowhide Boots. ——

Section. 3rd

—— Be it further ordained and decreed &c that a Copy of the foregoing Ordinances be immediately forwarded by the Provisional Government to our foreign Agents instructing them to purchase the necessary Arms equipments Clothing &c as is set forth in the foregoing Ordinances and decrees and forward the same as early as possible for the immediate use of the Legion of Cavalry. ——

Section. 4th

—— Be it further Ordained and decreed &c that the Legion of Cavalry shall be entitled to the same pay as the Cavalry in Service in the United States of the North and also the same bounty in land as the Auxilliary Corps, to wit, Six hundred and forty Acres of Land ——

Section. 5th

—— Be it further Ordained, and decreed &c that the Lieutenant Colonel Commandant shall appoint for the Legion of Cavalry his adjutants, Paymaster, Quartermasters, and, Quarter Masters —— Sergeants, Sergeant Majors and Musicians, and that the Governor be and is hereby Authorised to Issue Commissions to such Officers as may be appointed by the Lieutenant Colonel Commandant upon receiving a certificate from said officer to that Effect. ——

Passed 18th Dec 1835

Signatures Negatived

Passed 18th December 1835

John W Moody
Secy Protem

James W. Robinson Lieut
Governor & Exofficio Pres. of
the Genl Council

Approved 18th Dec 1835

C B Stewart
Secy of Executive

Henry Smith
Governor

An Ordinance, and decree Creating the Office of Commissary General, and regulating the offices of Pay=master and Quarter Master General

Section 1st

Be it ordained and decreed, and it is hereby Ordain=ed and decreed by the General Council of the Provisional Government of Texas"

That a Commissary General be appointed for the Army of Texas to give bond and security in the sum of thirty Thousand dollars and that the Laws and regulations, of the United States of the North, be adopted so far as applicable to our Government for the Rules and regulations of said Commissary Generals Department with power to appoint deputies who shall give bond and security in the sum of fifteen Thousand dollars, for the faithful fulfilment of their duties.

Section 2nd

Be it further Ordained and decreed &c that the Quarter Master General, Paymaster General and Commissary General shall have the same Rank and pay as a Colonel in the line.

Section 3rd

Be it further ordained, and decreed &c that the Paymaster General, of the regular Army of Texas shall before entering upon the duties of his Office take an Oath, "faithfully to Execute the duties of his Office agreeable to Law and to the best of his knowledge and ability" and shall account to the Provisional Government of Texas or that Government which may succeed it, for the Money advanced to him and shall give a bond in the sum of Sixty Thousand Dollars with Sufficient Securities for the faithful dis-charge of his duties.

Section 4th

Be it further Ordained &c that the pay-master General of the regular Army of Texas shall always Quarter at or near the head Quarters of the regular Army or at such place as the Commander in Chief may deem proper and that to the Corps of rangers and to detachments from the regular Army intended to act seperately for a time he shall appoint

deputy Pay Masters from the line; who Shall account to him for the Money advanced to them; and Shall each give a ... bond in the Sum of Twenty Thousand dollars with Sufficient Sureties for the faithful dis-charge of their duties respectively and take an Oath "faithfully to perform and execute the duties of their Office" and the regimental Paymaster shall also give bond in the Sum of Twenty Thousand Dollars with Sufficient Sureties, and take an Oath as aforesaid "for the faithful dis-charge of the duties of their Offices".

Section 5th

Be it further Ordained &c That all bonds to be given by virtue of this Ordenance and decree Shall be made payable to the Governor or his Succesors in Office and be approved by him

Section 6th

Be it further Ordained and decreed &c that the Quarter Master General of the regular army of Texas Shall before entering upon the duties of his Office take an Oath "faithfully to Execute the duties of his Office agreeable to law and to the best of his knowledge and abilities" and shall account to the Provision-al Government of Texas or that Government which may succeed it for all the provisions Clothing, Munitions of war and Supplies of every kind which he may obtain or may be placed in his charge for the use and benefit of the regular army of Texas and shall give a bond in the sum of Thirty Thousand Dollars with Sufficient Sureties for the faithful discharge of his duties.

Section 7th

Be it further Ordained and decreed &c that the Quarter Master General shall Quarter at or near the head Quarters of the regular Army of Texas, and that to all detachments of the regular army intended to act seperately for a time the Quarter Master General shall appoint deputy Quarter Masters and Issuing Commissaries who shall account to him for the Provisions Clothing and other Supplies which they may receive for the use of said detachments and shall each give a bond in the sum of Fifteen Thousand dollars for the faithful discharge of their duties Respectively with Sufficient Sureties and take an Oath "faithfully to execute the duties of their office" and the Several regimental Quarter Masters and Issuing Commissaries shall also give bond in the sum of five Thousand dollars with Sufficient Sureties and and shall take an Oath for the faithful discharge of the duties of their Office.

Section 8th

Be it also Ordained and decreed &c that each of the above named Officers on the receiving of his Commission shall repair himself and forthwith proceed to the discharge

of his duties or be dismissed the Service — —

Passed at San Felipe de Austin Decr 18th 1835

James W Robinson Lieut Governor and Exofficio Prest of the General Council

E.M. Pease. Secy of Genl Council

Approved 22nd Decr 1835

Henry Smith Governor

C B Stewart Secy of Executive

An Ordinance and decree making an Appropriation for the regular Army and for other purposes.

— Be it Ordained, and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas that Forty thousand dollars be and is hereby appropriated for raising and Organizing the regular Army and for other contingent expenses and that the pay Master General before drawing on the Treasurer for the same or any part thereof shall take and Subscribe the Oath and give the Bond and security required by the Ordinances and decrees heretofore passed and now in full force.

Passed at San Felipe de Austin Decr 21st 1835.

James W Robinson Lieut Gov and Exoffico Prest of the General Council

E M Pease Secy of Genl Council

Approved 22 Dec 1835

Henry Smith Governor.

C B Stewart Secy of Executive

Resolution Appointing Commissioners to treat with the Cherokee Indians and so forth. —

— Be it resolved by the General Council of the Provisional Government of Texas. That Samuel Houston, John Forbes, and John Cameron, be and they are hereby appointed Commissioners to treat with the Cherokee Indians and their twelve Associate Bands, under such instructions as may be given them by the Governor and Council, and should it so happen, that all the Commissioners cannot attend, any two of them shall have power to Conclude a treaty and report the same to the General Council of the Provisional Government for its Approval and ratification — — — —

— Be it further Resolved &c — That said Commissioners be required to hold said treaty so soon as practicable —

Signatures Above

Passed December 22nd 1835

E. M. Pease. Secy
of Genl Council

James W Robinson Lieut Gov and
Exofficio Prest of the Genl Council

Approved 28th Decr 1835.

613 Stewart
Secy of Executive

Henry Smith
Governor

Resolution for instructing Commissioners Appointed to treat with the Cherokee Indians and their associate bands.

Be it resolved by the General Council of the Provisional Government of Texas That Samuel Houston, John Forbes and John Cameron Appointed Commissioners to treat with the Aforesaid Indians be and they are hereby instructed to proceed so soon as practicable to Nacogdoches, and hold a treaty with the Indians aforesaid and that they shall in nowise trans-cend the declarations made by the Consultation of November last in any of their Articles of treaty.

Section. 2nd

Be it further Resolved &c. That they are required on all things to pursue a course of Justice and equity towards the Indians and to protect all honest Claims of the Whites, agreeably to such laws, Contracts or treaties as the said Indians may have heretofore made with the Republic of Mexico and that the (said) Commissioners be instructed to provide in said treaty with the Indians that they shall never alienate their lands, either separately or collectively, except to the Government of Texas, and to agree that the said Government will at any time hereafter purchase all their Claims *a fair and reasonable Valuation.

Section 3rd

Be it further Resolved. That the Governor be required to give to the Commissioners, such definite and particular instructions as he may think necessary to carry into effect the object of the foregoing Resolutions together with such additional instructions as will secure the effective Co-operation of the Indians at a time when it may be necessary to call all the effective force of Texas into the field and agreeing for their Services in a Body for a Specified time.

Section 4th

Be it further Resolved &c That the Commissioners be authorised and empowered to Exchange other Lands within the limits of Texas, not otherwise appropriated, in place of the [illegible]

claimed by said Cherokee Indians and their Associate Bands

Passed at San Felipe de Austin Dec 26th. 1835

E. M. Pease
Secy of Genl Council

James W. Robinson Lieut Gov and
Exofficio Prest of the Genl Council

Approved 28th Dec 1835

G. B. Stewart
Secy of Executive

Henry Smith
Governor

Resolution for Changing the Name of the Municipality and Town of Viesca to Milam.

Be it Resolved by the General Council of the Provisional Government of Texas — That the Town at the falls of the Brazos River in the Washville Colony heretofore known by the name of Viesca, shall be, and is hereby Changed to Milam and the Municipality in which said Town is situated, Shall be hereafter called and known as the Municipality of Milam.

Passed at San Felipe de Austin 26th Dec 1835

E. M. Pease
Secy of Genl Council

James W. Robinson Lieut Gov and
Exofficio Prest of the Genl Council

Approved 27th Dec. 1835

G. B. Stewart
Secy of Executive

Henry Smith
Governor

Resolution Authorising all Commissioned Officers to administer the Oath prescribed by Law to persons Enlisting.

Be it Resolved by the General Council of the Provisional Government of Texas. That all Commissioned Officers in the Regular Army of Texas, when ordered on recruiting Service, shall be authorised and empowered to administer the oath prescribed by law to all or every person or persons, who shall enlist into the service of Texas, and sign Enlistments as a Soldier in the Regular Army.

Passed at San Felipe de Austin Dec 26th. 1835

E. M. Pease
Secy of Genl Council

James W. Robinson Lieut Gov and
Exofficio Prest of the General Council

G. B. Stewart
Secy of Executive

Approved 27th Dec 1835

Henry Smith
Governor

An Ordinance and decree, Creating the Offices of Auditor and Comptroller of Public accounts for Texas.

Section 1st

Be it Ordained and decreed and it is hereby Ordained and Decreed by the General Council of the provisional Government of Texas that there shall be and there is hereby Created the Offices of Auditor and Controller of public accounts for Texas under the Management and Controul of one Auditor and One Controller to be elected by the General Council and Commissioned by the Governor

Section 2nd

It shall be the duty of the Auditor on the presentation of any claim or Claims against the provisional Government of Texas" of what ever kind or Originating in what ever manner to receive and strictly examine the same and if said Claim or Claims be just in all its parts in Conformity with the existing Laws it shall be admitted, if not just in Conformity with the existing laws, it shall be rejected by the said Auditor, who shall assign his reasons for rejecting the same in a Summary Manner upon said Claim or Claims and return the same to the Claimant without making a record thereof, but if said Claim is admitted said Auditor shall make a record thereof, in a Neat and business like manner setting forth the time when said Claim Originated, the time it was audited the name of said Claimant, the name of the Officer Commanding (if a Military Claim) to whose Company attached, (If to any) by what Officer Certified, and for what Consideration said Claim originated.

Section 3rd

The Auditor of Public accounts shall at all times by reference to his books, be able to detect fraud or to exhibit to any Commissioned Officer of this Government, the Governor, the Members of the General Council, or any Interested party a Correct and true Situation of his Office, or that of any particular Claim; Said Auditor shall further number and file all Claims, Receipts, and Other evidences of Debts, against the Government, in his Office, so that he can at any time refer to them; he shall also report and present every Wednesday and Saturday or oftener if necessary, all Claims which he admits to the, Controller for his examination, if the amount of said Claim does not exceed four Thousand Dollars, but if said Claim should exceed the said amount, said Claim shall be presented to the General Council (If in Session) or to the Acting Governor.

Section 4th

All claims under the aforesaid Sum of four Thousand Dollars when presented shall be examined by the Auditor under the inspection of the Controller, and if said Claims are approved by the Controller, he shall Sign the same, with the words "Approved"

thereon and return the same to the Auditor who upon receiving said Claim so approved Shall Issue a Draft (Counter signed by the Controller) on the Treasurer for the Corresponding Amount of money in favour of said Claimant which Shall read as follows

To

The Treasurer of the Provisional Government of Texas" You will Pay to A.B. or Order the Sum of _____ Dollars out of any Monies in the Treasury not Otherwise Appropriated —

Date &c. . . . . .

E. F. — Controller

C. D. — Auditor

but if said Claim should amount to a larger Sum than four Thousand Dollars it shall be referred to the Governor or General Council and if approved by either or both of them said Claim shall be returned to said Auditor Signed and Countersigned and approved by the Governor or General Council, in the Same manner as aforesaid, and disposed of in the same manner and form as aforesaid by said Auditor and Controller. —

Section. 5th

_____ The Auditor Shall pursue the same routine in relation to all the necessary expenses of his Office and no money Shall be drawn from the treasury unless the Claim be Audited and Signed by the Auditor and Controller if under the Amount of four thousand Dollars and by the Auditor, Controller and Governor if over the sum of four thousand Dollars and made in Conformity to Appropriations made by Law - Provided Nevertheless, that the General Council reserves to its self the prevelage of ordering payments on Claims, not within the provisions of this — Ordinance. —

Section. 6th

_____ That all Claims on passing the General Council shall be Signed by the President and Secretary, or the Governor if the Council is not in Session, which Shall be Sufficient evidence to the Governor to Countersign the Corresponding draft on the — Treasurer, after which the Auditor shall take the same to his office, and place it on file, with Such accompanying evidence as Applies to said Claim

Section. 7th

_____ That the Auditor Shall keep a Strict record of all Drafts Issued on the treasury and have said drafts numbered and some particular letter on each one by which he could detect fraud or forgery and set forth the Consideration for which said draft was given, the Amount thereof whether

for property lost in public service, expenses of the Civil depart-ment of Government, or of the Military, if for the Monthly pay of Officers and Soldiers of the Army, or Contingent Expenses of the Army. ——

Section. 8th.

——— That the Auditor shall be, and is hereby Constituted a proper Officer to administer Oaths in all cases appertaining to the proof of the Claims which may be presented to him.

Section. 9th

——— It shall be the duty of the Auditor to furnish any Applicant a Copy of any Claim Record or other public document in his Of-fice upon the Applicant paying him twelve and a half Cents for each hundred words Contained therein.

Section. 10th

——— The Auditor shall receive for his Public services the Sum of One Thousand Dollars per Annum.

Section. 11th

——— That the Committee on public accounts Shall Cease to act from and after this day, that the Committee of Public accounts turn over all busines before them to the Auditor as soon as he enters upon the Duties of his Office.

Section. 12th

——— That all Ordinances decrees and Resolutions passed by this house regulating, Governing or defining the duties of the Com-mittee of public accounts be and are hereby made applicable and in full force on the Auditor, except such as may Come in Contra-diction with the foregoing Ordinances.

Section. 13th

——— The Auditor Shall keep a Strict account of Debits and Credits, first" of each Seperate Captains Command, if in the —— Military Service. Second" of the Contingent expenses of the Army and Military Department. Third" of Expenses of the Civil Department Fourth" and of the various Revenue Ports.

Section. 14th

——— It shall be the duty and is hereby made the duty of the Controller when any Claim is presented him Approved by the Auditor as set forth in the foregoing to Strictly examine it having previously well informed himself of the existing laws and if found in all its parts Consistent and Containing all the requi-sites of the laws he shall write approved thereon with the date — when acted on and shall also Enter the Corresponding Draft of Record in a Summary way setting out in whose favour date letter and Amount after which he shall return the claim to the Auditor that he may place it on file according to the requisitions of the existing Laws.....

Section 15 on next page over

Section 15th

If on examination by the Controller of any Claim presented in accordance with the foregoing Ordinances he shall find it not in conformity with the existing Laws he shall return it to the Auditor with his reasons in Writing, and if the Auditor shall approve of the rejection of the Controller he shall return the Claim as if no action had been had thereon.

Section 16th

If any Claim which may have been returned to the Auditor by the Controller shall be still approved of by him as filling all the requisitions of the Laws, he shall pass it the second time, and return it to the General Council if in Ses=sion, if not to the Governor who shall after an examination of all the facts, decide the Virtue of the Claim, and if admit=ted return it to the Controller for its proper disposition and Corresponding Draft to the interested party but if it be rejected by the Council or Governor it shall be finally rejected and remain as if no action had been had thereon.

Section 17th

It shall be the duty of the Controller to furnish the Treasurer on every Wednesday and Saturday evening a Copy of all minutes of Drafts drawn upon him from time to time that he may be enabled to detect fraud or forging

Section 18th

The Controller shall receive for his Services the Sum of Six Hundred Dollars per Annum.

Section 19th

The Auditor and Controller before entering on the discharge of their respective duties shall take and Subscribe an Oath to faithfully discharge the duties of their respective offices in addition to the Oath prescribed by the organic law

Section 20th

The Auditor shall give Bond in the sum of fifteen Thousand dollars with approved security for the faithful performance of his duties payable to the Governor and his successors in Office and the Controller shall give Bond in the Sum of Eight Thousand dollars for the faithful performance of his duties payable to the Governor and his Successors in Office.

Section 21st

The Auditor and Controller shall report the State of their respective Offices once in every Week to the Council when in Session or to the Governor when the Coun=cil is not in Session.

Passed at San Felipe de Austin Decr 26th 1835

E. M. Pease
Secy of Genl Council

James W. Robinson Lieut Gov and
Ex officio Pres of the Genl Council

Vetoed by the Governor Passed by a Constitutional
Majority signed Decr 29th 1835

C. B. Stewart
Secy of Executive

Henry Smith
Governor

An Ordinance and Decree establishing and imposing duties on Importations and Tonnage and for other purposes.

Section. 1st.

— Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Govern= =ment of Texas, that all that part of Texas from, Balous Jenny on the Sabine river, running with the line of the United States of America and Texas until it strikes the Red River (so as to include all the boundary of Texas) be and the same is hereby Created and established a district for Revenue purposes, and shall be Stiled and Known as the Distuct of Milam. —

——— And all that part of the Coast of Texas lying between the line of the United States of America on the River Sabine to the Western Boundary line of Zavalas Colony including all Bays — Harbours, Rivers Creeks and Inlets within said limits be and the same is hereby created and established a District for Revenue purposes and shall be stiled and known as the Distuct of Sabine ——

——— And all that part of the Coast of Texas between the Western line of Zavala's Colony and Oyster Creek including all Bays, Harbours, Rivers Creeks and Inlets within said limits be and the same is hereby Created and established a District for Revenue purposes, and shall be stiled and known as the District of Galveston. ———

——— And all that part of the Coast of Texas from the mouth of Oyster Creek to the entrance of Cedar Lake into the Gulf including all Bays, Harbours, Rivers, Creeks, and Inlets within said limits be and the same is hereby created and established a District for Revenue purposes and shall be stiled and known as the District of Brazos. ———

——— And all that part of the Coast from the entrance of Cedar Lake into the Gulf of Mexico to the Western line of the jurisdiction of Matagorda, including all Bays, — Harbours, Rivers, Creeks and Inlets within said limits be and the same is hereby Created and established a District for Revenue purposes, and shall be stiled and known as the District of Matagorda

And all that part of the Coast from the Western line of the jurisdiction of Matagorda to the Guadaloupe River including all Bays, Harbours, Rivers, Creeks and Inlets within said limits, be, and the same is hereby created and established a District for Revenue purposes, and shall be stiled and known as the District of Labaca. And all that part of the Coast from the Western line of the District of Labaca, as far as it may be necessary to include all the Coast of the Government of Texas, including all Bays, Harbours, Rivers, Creeks and Inlets, or other boundary line be and the same is hereby Created and established a Distrct for Revenue purposes and shall be stiled and known as the District of Aranzas

Section. 2nd

Be it further ordained and decreed and it is hereby Ordained and decreed that Ports in the District of Madam the Ports of Sabine Galveston Bay Brazos, Matagorda Labaca and Copana be and they are hereby created and established Ports of Entry within their respective districts.

Section. 3rd

Be it further ordained and decreed, and it is hereby further ordained and decreed that there shall be appointed by the General Council and Commissioned by the Governor a Collector of the Port for each Revenue District, for the Collection of all imposts and tonnage dues arising und this Ordinance who shall also perform the duties of Inspector and shall reside within the limits of the District for which he shall be appointed and shall select the most Suitable place within his District for the public convenience and dispatch of business connected with his Office; and give notice thereof by advertisement in the nearest Newspaper to his Port, for three weeks in Succession:

Also it shall be the duty of the Collector of the Galveston Dustrict to cause all the different places Selected for the Collection of the Revenue to be published in one of the Newspapers in in New York and in one of the Newspapers in New Orleans; the cost of which notices shall be allowed to the Collectors in the Settlement of their Accounts. And the Collector so appointed as aforesaid, before he shall enter upon the discharge of the duties of his Office shall give bond and security, to be approved by the Governor for the time being, for the due and faithful performance of his duties as such Collector, in a Sum not less than twenty five thousand Dollars. Which Sum, when forfeited shall be made payable to the said Governor or his Successors in office to be by him or them placed in the public treasury and applied as cause may appear. The said bond shall be filed in the Executive Office of Texas and it may be sued on

and recovery had in the premises for any amount of Money or Monies, or other debt or thing due to and owing in the same to the Government or any individual or individuals, body Corporate or politic: in like manner actions of trespass and damages may be had and maintained in Consequence of neglect of duty. The Collector of each port is hereby authorised to depute if necessary one or more respectable persons to transact the business of his appointment; and the said Collector shall severally take bond and security from each and every person so deputed for the due and faithful performance of the respective duties assigned to him or them by virtue of his or their appointment; the said bond to be made payable, when forfeited to the said Collector, as he must be accountable for their acts to the Government in all matters that appertain to his Office.

Section. 4th

"Be it further ordained and decreed and it is hereby further ordained and decreed that the Collectors and Deputies shall before they enter upon the duties of their Office take and subscribe to the following Oath in addition to the Oath prescribed by the Organic Law, before some person legally authorised to administer Oaths Viz: "I will use my best endeavours to collect all revenues which may become due and owing to the Government of Texas from import duties and Tonnage, and I will faithfully account for and pay over all such sum or sums of Money as may come into my hands by virtue of my appointment and I will duly perform all other lawful acts assigned to my said appointment, to the best of my skill and ability".

Section. 5th

"Be it further ordained and decreed and it is hereby further ordained and decreed that there is imposed, assessed and levied upon all goods, wares and Merchandize imported or forwarded from foreign Ports or Parts either by sea or by land into any Port, Bay, Harbour, or River of Texas or within the limits thereof a duty of twenty five per Cent ad-valorem on such as are entitled to a debenture in the Port or Ports from whence the same may have been shipped or forwarded; and a duty of fifteen per Cent ad-valorem on such goods, wares and Merchandise imported or forwarded as aforesaid, as are not entitled to a Debenture in the Port or Ports from whence the same may have been shipped.

Section. 6th

Be it further ordained and decreed and it is hereby further ordained and decreed that it shall be the duty of each and every person importing or introducing goods, Wares and Merchandize of any kind whatsoever by sea or by land or the Consignee or Consignees or the Master of the Vessel in which the same may be imported or any and every other person or persons

having charge thereof on the arrival of the Vessel or Convey=
=ance in Port or within the limits of Texas to lay before and
exhibit to the Collector of the Port or his Deputies a certificate
of export, manifest or invoice, and a Certificate of Debenture
(if debenture goods) of the Merchandise goods and wares so
imported or brought within the limits of Texas: And the Col=
=lector or his Deputy, shall require an Oath or affirmation
of the person or persons importing or introducing or of his or
their Consignee or Consignees that the said Certificate of Export
Manifest or Invoice is correct and true; and that no fraud
or deception has been or is intended to be practised therein;
which if satisfactory to the Collector or his Deputy, shall be
received as fixing the Value of said goods Wares and Mer=
=chandise if on the contrary the Collector or his Deputy is not
Satisfied as to the truth and Correctness of the manifest Oath or
affirmation he shall at the cost of the Owner or Owners or of
his or their Consignee or Consignees Call upon and Appoint two
good and Sufficient men who together with the Surveyor or
inspector shall proceed to examine said goods Wares, and Mer=
=chandise, and shall appraise, fix and establish the Value and
price thereof, at what they would be Reasonably worth at the
Port or place of their exportation or fowarding and when the
same shall have been so examined and appraised, the two
Appraisers and inspector or Surveyor aforesaid shall make a
Certified return of the Value of said goods wares and Merchan=
=dise to the Collector, or his Deputy who shall thereupon Afsess
impose and levy a duty of twenty five per Cent ad-valorem
upon the said goods wares and Merchandise entitled to Debenture
and imported or brought into Texas in the manner aforesaid;
and the said Collector or his Deputy shall thereupon Afsess impose
and levy as aforesaid a duty of fifteen per Cent ad-Valorem,
on all such goods wares and merchandise as are not entitled
to a debenture, and shall collect the same from the owner or
owners thereof the person or persons importing or introducing
the same, or the Consignee or Consignees to whom the same
may be addressed, or the master of the Vessel or the person or
persons having in charge the Conveyance, in which the same
may have been imported or introduced; and the said goods
Wares and Merchandise shall be and the same are hereby
made liable for the said duties so imposed Afsessed and
levied. With the exception of Whiskey, Gun, Rum and
Brandy all of American Manufacture on which there shall
be and there is hereby imposed Afsessed and levied a Specific
duty of twelve and a half Cents per Gallon.

Provided nevertheless, that all goods Wares and
Merchandise imported or introduced by sea or land by any

Emigrant or Emigrants; Such as implements of husbandry household furniture and utensils provisions and Stores and every description of machinery, intended for the use of said emigrant or emigrants and not for Sale; and all public property of any kind whatsoever, expressly and Knowingly imported or introduced for the use of the Government of Texas (except Suttles Stores) or belonging to the same; or whether expressly and Knowingly introduced or imported for the use of the Army and Navy thereof — And all Bacon, Pork, Bread, stuffs and lumber for building shall be and the same are hereby declared free of all duty whatever during the War. For the purposes of carrying into effect that part of this Section relative to the examination and appraisement of such goods, Wares and Merchandise with whose invoice prices the Collector or his deputy may not be satisfied the said Collector or deputy is hereby Authorised and required to administer to the two appraisers and inspector or Surveyor aforesaid, before the enter upon their functions, the Oath to perform, duly and Conscientiously the duty so assigned to them to the best of their Knowledge and ability. ——

Section. 7th

—— Be it further ordained and decreed and it is hereby further ordained and decreed, that there shall be and there is imposed, Afsessed and levied a tonnage duty of One dollar and twenty five Cents per ton on all Vessels of and above ten tons burthen, arriving at any Port or Harbour of Texas, from any foreign Port; excepting only Vessels of War, Letters of — Marque and Repris-al, and all Vessels having to enter by stress of Weather or to refit in order to proceed on their voyage, or which may be wrecked; and on all Vessels engaged in the Coasting trade there shall be and there is hereby imposed afsessed and levied a tonnage duty of twelve and a half cents per ton. And in addition to the aforesaid tonnage duty each and every Vessel arriving at and departing from any Port or Harbour of Texas shall pay an Entrance fee of two dollars and a Clearance fee of three dollars, Severally and respectively —— The measurement for tonnage of said Vessels to be taken from their respective Registers and the duty to be paid accordingly

Section. 8th

—— Be it further ordained and decreed and it is hereby further ordained and decreed that all amounts of Duties under three hundred Dollars shall be paid in Cash and for all amounts over three hundred and not exceeding five hundred Dollars Sixty days Credit shall be allowed and given and four Months for all sums exceeding five hundred Dollars, payment to be secured by bond and security to the Satisfaction of the Collector

Section. 9th.

Be it further ordained and decreed and it is hereby further ordained and decreed that — All articles of the Growth — produce or manufacture of Texas, shall be and are free of all duty whatsoever. —

Section. 10th.

Be it further ordained and Decreed and it is hereby further ordained and decreed, that all bonds and Securities for Customs or duties, made and executed in Accordance with the foregoing Sections, shall have the force of a Judgment from their date, and the Judge, or other proper Officers, upon application of the Collector shall Issue execution, immediately thereon; any — Law to the contrary Notwithstanding. —

Section. 11th.

Be it further ordained and decreed and it is hereby further ordained and decreed, that all Collectors appointed by Virtue of this Ordinance and decree, shall make quarterly returns to the Government of all importations made into their respective Ports and districts with the Sums total of duties and tonnage — dues amounting thereon, setting forth the income and expenditure with the proper Vouchers for the same and each and every Principal Collector shall be entitled to receive Ten per Cent on the amount of duties Collected as a Compensation for discharging the duties of his Office which sum shall not exceed. One thousand Dollars per Annum — And the said — Collector shall receive such other perquisites as the Collector of the Port of New. Orleans receives by virtue of his Office of all which he shall keep a true and correct account and report the same in his quarterly returns to the Office of the Provisional Government

Section. 12th.

Be it further ordained and Decreed and it is hereby further ordained and decreed, that it shall be lawful for the Collector in case it should be necessary to call upon any Civil Naval or Military Officers, to aid and assist in the enforcement and execution of these Ordinances and decrees; that none of the Officers aforesaid shall refuse or fail to give all the reasonable assistance in his or their power to the Collector aforesaid; under penalty of his or them being suspended from the Office which he or they may hold. —

Section. 13th.

Be it further ordained and decreed and it is hereby further ordained and decreed that on Conviction of any person or persons of smuggling or of an Attempt to Smuggle in Goods Wares or Merchandise; with the intention of defrauding the Public — Revenue he or they shall forfeit said goods Wares and Merchan- -dise so attempted to be smuggled in; the Cause to be decided

in a Summary way by the Judge of the Municipality; and the said forfeited goods, Wares and Merchandize shall be sold at public auctions, by order of the said Judge or proper Officer, ten days notice thereof to be given at the Court House door and two other public places: One half of the Nett proceeds to be for the use of the Government, One fourth to go to the informer and one fourth to go to the Collector of the Port for prosecuting &c ——— And the person or persons so convicted shall be subject to such other fine or fines, as the Court having Cognizance of the Cause may impose provided it shall not exceed one hundred per Cent on the Assessed Value of the goods, Wares and Merchandise so declared forfeited, and in default of payment of said fine or fines the said person or persons so Convicted shall be imprisoned for a term not exceeding eighteen Months at the discretion of the Court. All and every Vessel or Vessels of whatsoever Kind or description which may be found engaged in Smuggleng or aiding therein, shall be Confiscated; And the Master and all parties Concerned or interested in the same shall be fined and imprisoned. ———

Section. 14th

——— Be it further ordained and Decreed and it is hereby further ordained and decreed, that the said principal Collectors shall be and they are hereby Authorised to pay out of the Public monies Collected by them all the just and necessary expenses of their respective Offices to be submitted to the Government, in their quarterly Returns, the payment of a Deputy not included, which must be defrayed by the Collector himself, if he should judge fit not to act in person. ———

Section. 15th

——— Be it further Ordained and decreed and it is hereby further Ordained and decreed, that the Collectors of each District and the Collectors of the Ports of entry and delivery of Texas and all other Officers belonging to the Revenue or Custom House Department shall be and are hereby Clothed and invested with all power and Authority in their respective Districts and Ports requisite and necessary to execute the duties and discharge the functions of their respective offices and stations, in Order to secure more effectually the revenues aforesaid; and they are hereby directed to perform such duties as appertain to the same grade of Officers in the Ports and Revenue Districts of the United States of North America. ———

Section. 16th

——— Be it further Ordained and Decreed and it is hereby further Ordained and decreed that those Ordinances and Decrees establishing duties on imported goods Wares and Merchandise, and duties on Tonnage in the Revenue Districts and Ports

of Texas, shall take effect and be in full force from and after the day of their publication.—

Section. 17th.

Be it further ordained and decreed and it is hereby further ordained and decreed, that an Ordinance and Decree entitled an Ordinance and Decree imposing duties on importation and tonnage and for other purposes passed the eighth day of December eighteen hundred and thirty five Instant, be and the same is hereby repealed and annulled.—

Section. 18th.

And be it further ordained and decreed and it is hereby further ordained and decreed, that all the Collectors or Deputies who may have given bond under the Ordinance and Decree passed the Eighth of December One thousand Eight Hundred and Thirty five which is repealed by the preceding section of this Ordinance and Decree shall, on or before the second day of March One Thousand Eight hundred and thirty six give bond and security agreeably to the provisions of this Ordinance and Decree; the bonds already given to remain until that time in full force — And on failure of any Collector or Deputy to comply by the time aforesaid, with the provisions herein established then his Office shall be declared vacant and a new Collector or Deputy shall be appointed.—

Section. 19th.

Be it further ordained and decreed and it is hereby further ordained and Decreed, that when any Vessel shall be licensed or registered in any Port of Texas, it shall be the duty of the Collector before issuing the said License or Register to make a record thereof in a book to be kept for that purpose in his Office; and he shall make a Certificate of such Record referring to book and Page, upon the back of the License or Register, under his hand and seal of Office for which Registry he shall be entitled to receive five Dollars for each Register and two dollars for each License the said License to be renewed Yearly — And the Collector aforesaid shall also keep a Copy or record of entrances and Clearances of each and every Vessel arriving at and departing from the Ports of Texas — Also, the said Collector shall keep on his files or record, in a book for that purpose all manifests of goods Wares and merchandise imported whether subject to duty or exempt therefrom; and of all articles exported from the District or Port of which he is Collector, stating the quantity and description

Section. 20th.

Be it further ordained and decreed and it is hereby ordained and decreed that all Vessels of every kind and —

description whatever, under twenty one tons burthen navigating or plying in the waters of Texas (excepting public ferries, boats and skiffs for private use) shall be provided with a license to be issued by the said Collectors and renewed Yearly. ——

And All Vessels of every Kind and description whatever of and above twenty one tons burthen shall be provided with a Regester to be Issued by the respective Collector aforesaid setting forth the build, place of Construction names of Owners, and Master number of tons and all the other Requisites of said documents. ——

Section. 21st

—— Be it further ordained and decreed and it is hereby ordained and decreed, that the Collectors of the Revenue Districts of Texas shall be and are hereby respectively authorised to — nominate, and appoint Pilots of experience and skill to bring Vessels into the Ports and Waters of Texas; the Collector to issue to the Pilot or Pilots so Appointed a license to be renewed yearly for the — lawful exercise of his or their functions for which a fee of two — Dollars each shall be paid; And that the Pilot or Pilots so appoin- =ted and licensed shall receive two Dollars per foot for each foot of water that the Vessel may draw, when safely Conducted into said Port or Waters, Any Vessel entering any Port of Texas, when — licensed pilots are stationed, such Vessel the Owners or Captain shall pay half pilotage, When he or they may not think proper to take a Pilot, And all Pilots who may refuse to perform their respective duties without just cause, shall be suspended and be for ever Ineligable to said Office. ——

Passed at San Felipe de Austin Dec 27th 1835

E M Pease
Secy of Genl Council

James W Robinson Lieut Gov and
Exofficio Pres of the Genl Council

Approved 27th Dec 1835

Henry Smith
Governor

C B Stewart
Secy of Executive

An Ordinance and Decree The better to define and — more permanently to fix the Boundary of the municipality — of Matagorda. ——

—— Be it Ordained and Decreed; That the Boundary line of the Municipality of Matagorda which heretofore was a Subject of uncertainty shall be thus

On the East —— Beginning at the entrance of Cedar Lake into the Gulf of Mexico thence up the Lake to the upper Line of Harrisons League of Land thence West to Lindrills Bayou thence up that Bayou to its Source thence in a Straight line to the nearest Lines of Lavaca

Rivers. thence to the nearest part of the Line of the Jurisdiction of Austin. ——

—— On the North, Westerly along the line of Austin to the late established line of Jackson. ——

—— On the West - Along the line of Jackson to the Bay of Matagorda. ——

—— On the South It shall be Bounded by the Bay of Matagorda, and the Gulf with all its Peninsulas and Islands Harbours, Inlets and privalages. ——

The foregoing ordinance passed the Council December 27th enrolled and signed Dec 28th. handed the Governor same day but was never returned by him. ——

E. M. Pease
Secretary of Council

An Ordinance and decree Appointing Collectors of Public dues and defining their duties.

—— Be it ordained and decreed and itis hereby ordained and decreed by the General Council of the provisional Government of Texas that there shall be appointed one Principal Collector of Public dues upon all lands, given, granted, or sold in Texas for each of the Departments thereof who shall have the power to appoint one or more Deputies as may be necessary for doing the duties of the office which said Collectors, shall give bond and security, to the Governor, and his Successors in office in the sum of Twenty five Thousand Dollars for his faithful performance and may take such security from his deputies as he may think Proper for his own Safety provided that every such Collector, and Deputy Collector shall before commencing upon their respective duties take the Oath of Office Provided in the tenth section of the Organic Law of the Provisional Government of Texas. ——

Section 2nd

—— Be it further Ordained and decreed &c that the Collector of each department shall make quarterly returns, and pay over all monies in his hands to the treasurer of Texas — deducting for his services as Collector, ten per Cent on the Amount Collected, provided it shall not exceed one Thousand Dollars per Annum, and shall semiannually make a full and General Settlement of all his accounts in the same manner as other public accounts are settled provided that in Settling, the said Collector, shall be governed by the Laws heretofore directing the mode

of collecting public dues, upon lands in Texas and the functions of all persons heretofore, or at present acting as Collectors as aforesaid, are declared by this ordinance to be at an end, and from and after the publication hereof their acts Null and Void. ——————

Section 3rd

——— Be it further ordained, and decreed be that the several Collectors shall be required to receive in payment for public dues on lands, such treasury orders, as have been duly Audited passed, and allowed agreeably to law, which shall be sufficient Vouchers, in the settlement of said Collectors to the Amount of each Treasury order, Provided that no Collector, shall be permitted, to purchase any such Treasury Orders, nor to have any such Orders allowed in his Settlement, except such as have been received in payment as aforesaid, which shall be Specifically stated upon the back of each order the date when transferred, for what land, Number and Quantity and signed by the party who makes the transfer; and if any Collector shall be guilty of a violation of this Ordinance on Conviction thereof he shall be fined for each and every offence five hundred Dollars and be dismissed his office. ——————

Passed at San Felipe de Austin Decr 28th 1835

E. M. Pease
Secy of Genl Council

James W. Robinson Lieut Gov and
Ex officio Pres of the Genl Council

Approved 30th Decr 1835

C B Stewart
Secy of Executive

Henry Smith
Governor

An Ordinance and Decree Supplemental to an Ordinance and Decree entitled "An Ordinance and decree appointing Collectors of Public dues and defining their duties"

——— Be it ordained and decreed and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas — That the General Collectors of Public dues upon lands in the several departments of Texas be required and it is hereby made the duty of each General Collector as aforesaid to demand an account and settlement with all and every Stamp Officer or Officers receiver or receivers Collector or Collectors of Public dues upon Lands heretofore acting as such, within each of their respective districts and to demand and receive all money or monies from such stamp officers, receivers or Collectors as aforesaid, whose duty it shall be to render a strict and fair Account to the General Collectors aforesaid of

their Official Proceedings from the time of each of their Several Appointments, and pay over all Monies in all and each of their hands and deliver over all their Official papers and public documents of their and each of their respective offices to the General Collectors aforesaid to be by them holden subject to the future order of the Government of Texas; and any such Stamp Officer Receiver or Collector of Public dues as aforesaid failing to Comply with the provisions of this Ordinance and Decree on demand or shall fraudulently suppress, withhold or destroy any papers or documents Connected with their res-=pective offices, or withhold any monies or an account thereof shall upon conviction thereof before the Competent tribunals be fined in the sum of One Thousand Dollars, and be held in close Confinement until he deliver up all such papers documents, Monies or an account thereof as aforesaid to the Court or General Collectors aforesaid. ——

Section 2nd.

——— Be it further Ordained and Decreed &c That the two per Centum duties on said sales heretofore levied and exacted in some parts of Texas, by Judges, Receivers, Collectors Stamp Officers, or any other Officer or Officers purporting to be Officers of the Government of the State of Coahuila and Texas whether existing by law or Common usage shall from the date of this Ordinance forever Cease - And any Officer of the Government of Texas enacting the same shall on Conviction thereof be punished as an extortioner at Common Law; and all Officers as aforesaid who have monies in their hands arising from the exaction of such two per Centum duties shall on the publication of this Ordinance and Decree, immediately render an account of and pay Over to the General Collector in whose Department he may be; all such Monies without fraud or further delay and on failure to do so being Con-=victed thereof shall be declared guilty of an Official — Misdemeanor at Common Law and punished as such

Section 3rd.

——— And be it further Ordained and Decreed &c That all monies that may be received by the General Collector by-virtue of this Ordinance and Decree, shall be accounted for in the same manner as provided for by the Ordinance and Decree to which this is a Supplement. ——

Section 4th.

——— Be it further Ordained and Decreed &c That all and every person or persons from whom such two per Centum duties have been exacted since the first day of December — One Thousand Eight hundred and thirty five, shall upon application to the Auditor of Public accounts and the

Satisfactory and legal Vouchers that they have paid the same Recover back all such two per Centum duties so exacted and paid as aforesaid — And the Auditor shall upon all and every such application accompanied by legal Vouchers as aforesaid Issue his Draft upon the Treasury for the payment of the same.

Passed at San Felipe de Austin Decr 30th 1835.

E. M. Pease
Secy of Genl Council

James W Robinson Lieut Gov and
Exofficio Prest of the Genl Council

Approved 31st December 1835

C B Stewart
Secy of Executive

Henry Smith
Governor

An Ordinance and Decree defining the boundary of the Municipality of Harrisburg and for other Purposes.

Be it Ordained and decreed and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas, That the Boundary lines of the Municipality of Harrisburg shall be and they are hereby declared as follows. Viz — Beginning at the entrance of Clear Creek into Galveston Bay running up said Creek with the line of the Municipality of Brazoria and with said line to the Brazos River thence up said River to the upper line of a League of Land granted by the Mexican Government to Isaacs thence along said line to the North East corner of said league, thence Northwardly to include the Settlements on Spring Creek to the Southern line of the Municipality of Washington thence Eastwardly along said line of the said Municipality of Washington and so far Eastwardly as to intersect the line dividing the Department of Brazos and Nacogdoches, thence Southwardly along said line to Galveston Bay thence to the place of Beginning

Section 2d

Be it further Ordained and decreed That the town of Harrisburg situated on the west bank of Buffalo Bayou within the limits described in the * Section of this Ordinance shall be and is hereby made the place for trans-acting the Judicial and Municipal business of said Municipality and for the deposite of the Archives of the same

Passed at San Felipe de Austin Decr 30th 1835
James W. Robinson Lieut Gov and Exofficio Prest of the General Council

E. M. Pease
Secy of Genl Council

Approved 1st January 1836

Henry Smith
Governor

C B Stewart
Secy of Executive

Resolution requiring Chairman of Committee of Finance to act as Controller of Public Accounts protem in Case of that Office being Vacant. ——

——— Be it Resolved by the General Council of the Provisional Government of Texas. —— That the Chairman of Committee of finance be appointed and is hereby required to perform the duties of Controller of Public accounts "protem" in case of that Office being Vacant — and that this Resolution be in force from and after its passage, any Ordinance and Decree or Resolution to the Contrary Notwithstanding. ———

Passed at San Felipe de Austin January 4th, 1836

E. M. Pease. Secy of Gene Council

James W. Robinson Lieut Gov and Exofficio Chief of the Gene Council

Approved 5th January 1836

E. B. Stewart Secy of Executive

Henry Smith Governor

An Ordinance and Decree for the relief of McKinney and Williams. ——

——— Be it Ordained and Decreed, and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas —— That all Articles of Merchandize imported by the firm of McKinney and Williams into Texas since the Passage of "an Ordinance and Decree laying impost and tonnage duties" which shall appear from the Invoices and bills of lading or otherwise to have been purchased and Shipped before the Passage of said Ordinance and Decree, be and the same are hereby exempted from the payment of duties to which they may be subject by the Ordinance and decree aforesaid. Provided however that nothing in this Ordinance and decree Contained shall be construed to extend to any goods or Merchandize the said McKinney and Williams may hereafter Import into Texas. ———

Passed at San Felipe de Austin Jany 4th 1836

E. M. Pease Secy of General Council

James W. Robinson Lieut Gov and Exofficio Chief of the Gene Council

Approved January 5th 1836

E. B. Stewart Secy of Executive

Henry Smith Governor

"An Ordinance and Decree to prevent the Importation and emmigration of Free Negroes and Mulattoes unto Texas"

Be it ordained and Decreed and it is hereby Ordained and decreed by the Provisional Government of Texas, that from and after the passage of this Ordinance and decree, it shall not be lawful for any free Negro or Mulatto to come within the limits of Texas; and if any free Negro or Mulatto shall hereafter be found within the limits of Texas as aforesaid, and it shall not appear that he or she was within said limits prior to the passage of this Ordinance and Decree, it shall and may be lawful for any Citizen of Texas to Apprehend said free Negro or Mulatto, and take him or her before the Judge or Alcalde of the Municipality in which he or she may be so apprehended and upon Satisfactory evidence being adduced that such free Negro or Mulatto emmigrated into Texas Contrary to the provisions of this Ordinance and Decree, it Shall be the duty of the Judge or Alcalde before whom such free Negro or Mulatto may be brought to expose him or her to Sale at Public auction to the highest bidder and the proceeds of such sale, after paying one third thereof to the apprehender and defraying the Costs and Charges attending the Conviction and sale of such free Negro or mulatto shall be payed into the State Treasury And it is hereby declared and made the duty of each and every Judge and Alcalde and of each and every Sheriff and other Officers of the peace within each and every Municipality throughout Texas so to Apprehend and cause to be Apprehended all and every such free Negroe or free Negroes, Mulatto, or Mulattoes offending against the provisions of this Ordinance and decree, and that such Officer or Officers who shall so apprehend such free Negroe or free Negroes Mulatto, or Mulattoes shall be entitled to the same Compensation that is by this Ordinance and Decree allowed to Citizens who may by such Apprehension as aforesaid render the like service

Section 2nd

Be it further ordained and decreed & That it shall not be lawful for any Master, or owner of any Ship or Vessel nor for any other person or persons whatsoever from and after the passage of this Ordinance and decree, to import, bring or induce or aid in importing, bringing or inducing any free Negro or Mulatto within the limits of Texas, directly or indirectly and if any Master or owner of any ship or Vessel or any other person or persons whatsoever shall import, bring or otherwise induce, or aid or abet in importing bringing or otherwise inducing any free Negro or Mulatto into Texas as aforesaid. N.C. or C.N.C. so offending shall be deemed guilty of a Misdemeanour at Common Law

viction thereof in any Court of Record within Texas shall be fined in the sum of Five thousand Dollars and Imprisoned until the same together with the Costs and Charges of the Prosecution shall be paid. ——

Section 3rd.

——— Be it further ordained and decreed and it is hereby Ordained and decreed — That this Ordinance and decree shall be regularly given in Charge to Grand Juries, throughout — Texas and the Governor be, and is hereby required to have this Ordinance and Decree inserted three times in the New Orleans Bulletin. ———

This Ordinance was passed January 5th. 1836. enrolled and handed over to Governor Smith for Approval, but never returned

E M Pease
Secy of Genl Council

A Resolution Changing the name of the Municipality of Tenehaw to Shelby and for other Purposes ———

——— Be it resolved by the General Council of the Provisional Government of Texas — That the name of the Municipality of Tenehaw be and the same is hereby altered and changed to that of Shelby, and that all acts hereafter passed and business done shall be in the name of the Municipality of Shelby. ———

Section 2nd.

——— Be it further Resolved &c — That the Town of Nashville be and the same is hereby made the Seat of Justice for the said Municipality of Shelby ———

Section 3rd.

——— Be it further Resolved &c — That there shall be an Election precinct in the Eastern part of said Municipality and that the Election in said precinct shall be held at the residence of James B Tucker and that hereafter, for all Elections for said Municipality. Polls shall be opened at said place and Correct Returns of the Votes given in, be made to the seat of Justice at Nashville by the persons superintending said Elections

Passed at San Felipe de Austin Jany 6th. 1836

— Signed Jany 11th. 1836 —

Edward B Wood Secy.
Protem Genl Council

John McMullen President Protem
of General Council

Approved January 17th 1836

James W Robinson
Acting Governor

An Ordinance and Decree prescribing the manner in which all claims held against the Provisional Government of Texas of any kind whatsoever by the Officers non-commissioned Officers and privates, of the "Volunteer Army of The people" Shall be presented for payment — And also to prevent fraud and imposition upon the Government.

Section. 1st

Be it Ordained and decreed by the General Council of the Provisional Government of Texas — That it shall be the duty of each Captain or any Commanding Officer, upon being Discharged from Service or when any Monthly or Quarterly payment becomes due, shall make out a muster roll of his Company setting forth the names and Rank of each Officer non-commissioned Officer and private and the precise time they were in Service the day they entered the Service, the day they were discharged (if discharged) the Corps they were Called (if any) while in Service the place where the service was rendered; And said Muster Roll with the facts as set forth therein Subscribed and sworn to by said Commanding Officer and deposited in the Office of the Executive Department And a Certified Copy of said Muster Roll to be furnished by the Secretary of the Executive to the Auditor, and Paymaster.

Section 2nd

Be it Ordained and Decreed &c — That any individual who produces an Honourable discharge, and — makes Oath to the same, shall be entitled to pay, although he may not have his name registered upon any Muster roll; Provided Nevertheless he shall make oath of any Money Loses, Clothing and blankets or any assistance which he may have received from any person or persons or committee or Committees for the purpose of aiding Texas in her present Conflict, from whom received, and of what amount or Value the same may be when it was received, and the Amount or Value thereof to be deducted from his pay, to which he may have been entitled by an Ordinance and Decree in such Cases — made and provided.

Section. 3rd

And be it further Ordained and Decreed &c That the Paymaster shall Compel all Officers Non-Commissioned Officers and privates to take the same Oath as Contained in the foregoing Ordinance, and make the same — deduction in their pay as set forth in Ordinance aforesaid Provided they should have received any assistance as aforesaid

The foregoing Ordinance passed the Council Janry 7th and

was Enrolled and handed Governor Smith for Approval — but never returned by him. ———

E. M. Pease
Secy of Gene Council

An Ordinance and Decree, authorising and Commissioning, Th. J. Chambers to raise an Army &c to be called "The Army of reserve for the protection of the Liberties of Texas" and for other purposes ———

Section. 1st

——— Be it Ordained and Decreed, and it is hereby Ordained and decreed, by the General Council of the Provisional Government of Texas — that in addition to the provisions already made for — Establishing and Organizing an "Auxiliary Volunteer Corps to the Army of Texas", a division of Volunteers shall be raised, to be called the "Army of Reserve for the protection of the Liberties of Texas" which shall consist of one thousand One hundred and forty five men, Officers included. ———

——— That the said division shall be composed of six battalions, three of infantry, One of Riflemen, one of Cavalry and one of field or Horse Artillery: ———

——— That the battalions of infantry, riflemen and Cavalry shall each be Composed of four Companies of Seventy One men Company Officers included; And there shall be one Colonel, one Major, one Adjutant, One Quartermaster, one Surgeon, One Commissary; one paymaster, one Sergeant Major and one drum-major for each battalion; and One Captain, two Lieutenants and as many Sergeants and Corporals for each Company as the Commanding General of the division may deem requisite

——— That the Battalion of Artillery shall be Composed of four Companies of Thirty seven men Company Officers included; and there shall be the same number of field and Staff Officers as for the other battalions: For each Company there shall be one Captain two lieutenants and the Number of Sergeants and Corporals which the Commandant General may Consider Necessary. ———

Section. 2nd

——— Be it further Ordained and decreed and it is hereby Ordained and decreed that to raise Organize arm equip and Command the said Division of Volunteers ——— a General shall be appointed and Commissioned whose Staff shall consist of one Adjutant General one Brigade Inspector, one Brigade Quartermaster, One Brigade Commissary one Brigade Pay Master and two Aids.

Section 3rd

Be it further ordained and decreed And it is here-by ordained and decreed that the said General be furnished by the Governor with the Requisite Number of blank Commis-sions for the Several Officers of said Division.

Section 4th

Be it further ordained and decreed and it is hereby ordained and decreed that Six pieces of Field Artillery four Sixpounders and two twelves shall be purchased for said division Completely mounted for the field with Caissons and other necessary Appendages

Section 5th

Be it further ordained and Decreed and it is hereby Ordained and decreed that the Volunteers of the said division shall enjoy the same emoluments benefits and Privileges for their Services, and be subject to the same rules and regulations heretofore provided for Volunteers

Section 6th

Be it further ordained and Decreed And it is hereby Ordained and Decreed that Thos I Chambers be Appointed and Commissioned, and he is hereby Appointed to Raise Organize Arm equip and take Command of the said Dievsion; That the pecuniary Aid of ten Thousand dollars which he has offered for the purpose, be accepted, and the public faith is hereby pledged for the same; and that he be Authorised and he is hereby Authorised to raise the balance which may be necessary to Arm Equip provide and transport the said divis-ion by pledging the public faith of Texas. And it is required that every exertion be made in order that the said Army of reserve may be able to take the field on or before the fifteenth day of May next.

The foregoing Ordinance Passed the Council on 7th of January. Was enrolled and handed Governor Smith for Approval, but never returned

E. M. Pease
Secy of Council

An Ordinance and Decree authorising and Empow-ering Thomas H McKinney and Samuel M. Williams of the firm of "McKinney and Williams" to Effect a loan of One Hundred Thousand Dollars and for other purposes

Section. 1st

Whereas, certain Ordinances and Decrees have been

passed and instructions given Authorising Thomas J. McKinney to effect a loan for One hundred thousand dollars which are considered some what discrepant and inconsis=tent with each other; and whereas it is indispensable that all Negotiations of this kind should be clearly defined and well understood Therefore be it Ordained and Decreed and it is hereby Ordained and Decreed by the General Council of the Provisional Government of Texas, that Thomas J. McKinney and Samuel A. Williams known as the firm of McKinney and Williams, be and they are hereby autho=rised and empowered to Negotiate and Effect a loan of One hundred thousand Dollars for aid on behalf of the Pro=visional Government of Texas, on the firm pledge of the Public faith and Public Domain of the Country on the best terms Consistent with the honor and dignity of the Government Aforesaid. ——

Section. 2nd

——— Be it further Ordained and Decreed &c that the Loan so effected may be Negotiated as a temporary Loan Payable in a time not less than One Year and Redeemable from the first Permanent loans Made for and in behalf of said Government and at a rate of interest not to Exceed ten per Cent per Annum or at the Option of the said McKinney and Williams directed by the best advices the said loan may be made a part of the Permanent Loan Authorised to be Made by said Provisional Government Payable forom four to fifteen Years in which latter case the Public Agents to the United States of the North shall be duly advised Thereof. ———

Section. 3rd

——— Be it Ordained and decreed &c — That the said McKinney and Williams are Authorised and empowered to Execute a bond or bonds agreeably to the provisions of this Ordinance and Decree for the payment of the aforesaid Loan according to the terms which may be Established. Provided that if the whole Amount of the Loan of One hundred Thousand Dollars cannot be Effected the said McKinney and Williams are Authorised to Effect a Loan of a less Amount being Governed by the principles Aforesaid and Provided, also that bonds for the payment of said Loan may be Executed by the said McKinney and Williams Conditioned to be received at Par Value in payment of any debts due — Texas on lands or other Revenues in Six Months, from and after the date thereof. ———

Section 4th

——— Be it further ordained and Decreed &c That the said McKinney and Williams Shall be and they are hereby Authorised to retain from the Loan so Effected an Amount Sufficient to

reimburse all the Advances made by the said McKinney and Williams for and in behalf of the Government of Texas on settlement of the same as other public Accounts are settled. ——

Section 5th

—— And be it further Ordained and Decreed — That fifteen thousand Dollars out of the said Loan shall be retained and placed in the hands of Thomas F McKinney as the Agent of the Commissary General's Department under the same Rules Regulations and responsibilities as are prescribed and required of the Commissary General by the Law Creating that Office ——

Section 6th

—— Be it further Ordained and Decreed &c — That all Ordinances and decrees Resolutions and instructions heretofore given to Thomas F. McKinney upon the Subject of the Loan of one hundred thousand Dollars aforesaid be and the same are hereby Repealed. ——

Section 7th

—— Be it further Ordained and Decreed &c — that the Governor be required and it is hereby made his duty, as soon as may be to issue the proper Commission to Thomas F — McKinney and Samuel M. Williams known as the firm of McKinney and Williams together with such instructions as he may deem proper, not inconsistent with this Ordinance and Decree, for the purpose of carrying the same into full Effect

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Passed January 8th 1836 ——

Edwd Fd Wood. Secy — James W Robinson Lieut Gov and Exofficio Protem Genl Council — Past of the General Council . . . .

Approved 10th January 1836.

Henry Smith

Governor

An Ordinance and Decree Authorising the purchase of Certain Armed Vessels of McKinney and Williams and Regulating the Naval Service. ——

Section. 1st.

—— Be it Ordained and Decreed, and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas that Edmund Andrews and William P Harris or either of them be and they are hereby appointed the Agents of the Provisional Government of Texas for the purpose of examining the Condition and equipments of the Schooner "William Robbins" a Vessel belonging to the Firm of McKinney and Williams, and if after they shall have duly examined her they shall be of Opinion that said Vessel can be useful in the public Service the

The said Edmund Andrews and William P. Harris or either of them, are hereby fully Authorised and empowered, for and in the name of the Provisional Government of Texas to Contract with the proprietors thereof and purchase the Same at a fair and Reasonable price, and report their acts and proceedings to this House.

Section 2nd

Be it further Ordained and Decreed &c — That Edmund Andrews and William P. Harris* be and they are hereby appointed the Agents of the Provisional Government of Texas for the purpose of examining the Condition and equipments of the Schooner "Invincible" a Vessel also the property of McKinney and Williams, and if after such examination they shall be of Opinion that said Vessel is suited to the Public Service by Cruising in the Gulf for the purpose of Protecting our Commerce or Harrassing and Destroying that of the Enemy and can be purchased at a fair and equitable price they the said Edmund Andrews and William P. Harris, or either of them are hereby Authorised and empowered for and in the Name of the Provisional Government of Texas aforesaid to purchase the same on such terms as in their Judgment the future means of the Country will Justify.

* or either of them

Section 3rd

Be it Ordained &c — That the Naval System as Adopted and practised in the United States of the North be and the same is hereby adopted in Texas and Shall rule and Govern our Naval Department.

Section 4th

Be it further Ordained &c that Should the said Vessels "The William Robbins" and "The Invincible" be purchased as Contemplated in the Second and Third Sections of this Ordinance and Decree, then and in that Case the Governor is hereby directed to Communicate the Same to our Public Agents in the United States of the North to govern them in their Purchases of Vessels for the Public Service.

The foregoing Ordinance passed the Council January 5th and was enrolled and handed to Governor Smith for Approval, H.E. returned it to the House with his Objection on the 8th January. When it was passed by a Constitutional Majority of the Council as will be seen by reference to the Journal. The Ordinance was then handed to Governor Smith for Signature, but never returned by him.

E. A. Pease
Secy of Genl Council

An Ordinance and Decree for the better Accommo=dation of the Claims against the Government of Texas.

Section 1st

Be it Ordained and decreed and it is hereby Ordained and decreed by the General Council of the Pro=visional Government of Texas. That the Treasurer shall immediately cause to be printed in a neat form and shall issue in discharge of Claims against the Government and drafts on the Treasury. the amount of One hundred and fifty Thousand Dollars in Treasury Notes. Varying in specified Value from One Dollar to One hundred Dollars Spe=cifying on the face thereof that they will be received in pay=ment for lands and other public dues or be redeemed with any monies in the Treasury not otherwise appropriated.

Section 2nd

Be it further Ordained and Decreed by the Author=ity Aforesaid. That all Collecting Officers of this Government or Agents entitled to receive monies due the Government are hereby required to receive the said Treasury Notes, at their full Value, for any monies that are or may become due to this Government for Lands or on the Revenue of our Ports. or in any way due this Government Provided however the Collector or other Agent offering to pay into the Treasury such Treasury Notes in discharge of the Claims of the Gov=ernment against said Collector or other Agent, shall take and subscribe the following oath. I "A.B" do Solemnly Swear that I have received the amount of _____ Dollars in Treasury Notes of Texas at their full value as expressed on the face thereof of Persons tendering them in payment of dues to the Government. that I have not directly or indirect=ly speculated on them, or Exchanged other money for them

Section. 3rd

Be it further Ordained and Decreed by the Author=ity aforesaid That the Treasurer shall be individually responsible for all counterfeit Treasury Notes which he may suffer to be imposed upon him or his Agents arising from any negligence of himself or his Agents and for every act of his Contrary to the mean ing and purposes intended by this Ordinance.

Section 4th

Be it further Ordained and Decreed by the authority aforesaid. That it shall be the duty of the Treasurer to keep such evidences of the precise Amount Date, to whom payable Letter Number and the Corresponding Margin and have such other Private marks as he thinks proper on each bill to Enable himself and his Successors to detect forgery

Turn Over

Passed at San Felipe de Austin January 7th 1836.

Signed Jany 11th 1836.

Edwd B Wood Secy
Pro-tem Genl Council

John McMullen President Pro-tem
of General Council

Approved January 20th 1836

Edwd B Wood Secy
to the Executive

James W. Robinson
Acting Governor

An Ordinance and Decree Creating a New Municipality to be called "Colorado" and for Organizing the Same.

Section 1st

Be it Ordained and Decreed and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas, that that part of the Municipality of Austin within the following Bounds Viz — Beginning at the Crossing of the lower line of the Municipality of Austin on the Main Benard, thence Westerly on the line of Austin to the line of De-Witts Colony, thence Northerly on the line of said Colony to Buckners Creek, thence down said Creek to the La-Bahia road, thence Easterly along said road to the Middle Ground between Mill Creek and Cummings Creek, thence on the said middle Ground to the main fork of the San-Bernard Creek; thence down the said Creek to the beginning: Shall be and the same is hereby made a New and seperate Municipality, to be Styled and known as the Municipality of Colorado with all and Singular the Rights Privileges and immunities of other Municipalities of Texas.

Section 2nd

Be it further Ordained and Decreed &c — That Eli Mercer, William. D. Lacy, and Robert Brotherton be and they are hereby Appointed Commissioners to locate as the Seat of Justice or Municipal Town of said Municipality of Colorado the Town of Columbus at which place the Judges of said Municipality shall hold their Courts and the Archives and Records of said Municipality shall be kept and the said Commissioners are hereby Authorized and required on or before the first day of February One Thousand Eight hundred and thirty Six, to hold an Election for all the Municipal Officers for said Municipality, first giving reasonable notice of the time and of the places of holding such Elections and shall Administer to each and every Judge and other Municipal Officers so elected the proper Oath or Oaths of Office and make report thereof to the Governor of the Provisional Government of

Texas immediately thereafter. ——

Section. 3rd.

—— Be it further Ordained and Decreed &c. that the said Municipality of Colorado shall be Entitled to Elect, and send two Delegates to the Genral Convention to meet at Washington on the first day of March next Agreeably to the Resolutions of the Provisional Government, Calling a Convention of the People of Texas. ——

Section. 4th.

—— Be it further Ordained and Decreed &c. —— That the said Municipality of Colorado shall be Authorsed forthwith to send either one of the Delegates of the late Consultation living within their boundary as a Member of the Genral Council of the Provisional Government of Texas, who shall be entitled to all the Privileges of Members of said Council. ——

Passed at San Felipe de Austin the 8th of January 1836. ——

Signed Jany 11th 1836. ——

Edw B Wood Secy
Pro-tem of Genl Council

John McMullen, President Pro-tem
of the General Council

Approved January 16th 1836.

James H. Robinson
Acting Governor.

A Resolution Organizing and Appointing a Sutler to the Armies of Texas.

Section 1st.

—— Be it Resolved by the General Council of the Provisional Government of Texas — that there shall be a Sutler Appointed for the Armies of Texas, and that this Department of the Military Service shall in all respects be Regulated and Governed by the same rules and Principles as Govern and Regulate the practice in this department, in the United States of the North. ——

Section 2nd

—— Be it further Resolved, That the Sutler so appointed shall have power to appoint Sutlers to act under him at such points as the Governor or Commanding General may direct and for the faithful performance of each Sub Sutler, so Appointed by him, the Sutler shall be accountable, Agreeably to law as aforesaid. —— Passed at San Felipe de Austin Jany 9th 1836 ——

Signed 22d. 1836 ——

Edw B Wood Secy
Pro-tem of Genl Council

John McMullen Prest Pro-tem of Genl Council

Approved January 22d 1836. ——

James H Robinson
Acting Governor

An Ordinance and Decree Supplemental to an Ordinance and decree appointing a Collector of Public dues and Defining his Duties.

Section 1st

Be it ordained and decreed and it is hereby Ordained and decreed by the General Council of the Provisional Government of Texas — That the Collector of public dues upon all lands, as set forth in the Ordinance and Decree to which this Ordinance and decree is a Supplement be and is hereby Authorised and empowered to receives from any person or persons in payment of the Amount which they Owe this Government any Order Draft or Claim which has been duly Audited and drawn for on the Treasurer of this Government, And if the Order draft or Claim aforesaid should exceed the Amount of Money so Owed by any person or persons then and in that Case the said Collector shall Endorse the same upon the said Order, Draft, or Claim, the Amount of Money paid by any person or persons to said Government and take triplicate receipts of the same — One to be retained by the Collector One given to the person paying said debt and the other sent to the Treasurer of this Government and for the said Collector to set forth in said receipt the amount of said Order draft or Claim in whose name it was drawn, and the date of the same. —

Section 2nd

Be it further Ordained and decreed and it is hereby Ordained and Decreed by the Authority aforesaid. That any person or persons Owing this Government any Money or Monies shall have the Authority to pay all they owe as aforesaid whether the same be due or not and the Principle Collector be and is hereby empowered and Authorised to receipt for the same, taking Care to receipt for the several sums of money in the same manner as he would have done, had he Collected the same as the Several sums became due —

Passed at San Felipes de Austin Jany 15th 1836

Edwd B Wood Secy
Pro-Tem Genl Council

John McMullen Prest. Pro-Tem
of General Council

Approved January 19th 1836

James W Robinson
Acting Governor

Resolutions providing for the troops at Bejar

Section. 1st

Whereas the troops Garrisoned at Bejar being without the necessary provisions and Clothing for their Support and Comfort and the probability of its being some time Yet, before

the Necessary Supplies from our Agents in the United States — for the support, subsistance and use of the Army will be recieved

And it being absolutely necessary to make immediate provisions for the Sustenance and support of those troops at Bejar — And it being impossible to drive beeves and procure provisions for their use without horses — Therefore be it resolved by the — General Council of the Provisional Government of Texas that — Lieutenant Colonel Neill Commandant at Bejar, be, and is hereby Authorised and empowered to employ as many Mexicans or other Citizens for the purpose of driving up Beeves and pro- = curing Provisions for the Troops under his Command as may be required for their support, and that this Government shall respect the drafts of said Commandant, for the pay of said men in his Employ as aforesaid — Provided that the said com- = mandant cannot offer them any more Money for their Services as Enlisted Soldiers or Volunteer Troops than the Existing laws Prescribe ———

Section 2nd

——— Be it further Resolved &c — That the sum of twenty — Dollars per Month to the Mexicans employed by the Commandant at Bejar for the purpose of getting Beeves and other provisions for the use and support of the Troops under his Command be and is hereby acknowledged by this Government and that the said Commandant be and is hereby Authorised and empowered to draw for the pay of said Mexicans Citizens for their Services as aforesaid — ———

Section 3rd

——— Be it further Resolved &c That John W. Smith be and is hereby Authorised and empowered to Collect the sum of one Thousand Dollars of the public dues or any Money to that — Amount belonging to this Government in the Department of Bejar and to give the same to the Commandant at that place, the same to be used for the Support of the troops under his Command taking Sufficient Vouchers for the same - and report the same to this Government, and also to the Collector of public dues for that Department ———

Section 4th

——— Be it further Resolved &c That an Express be immedi- = ately procured to take these Resolutions to the Commandant at Bejar — And that his Excellency James W Robinson Acting Governor of Texas be Required to Communicate with the Commandant at said Post and forward these Resolutions to said Commandant — ———

Passed at San Felipe de Austin Jany 16th 1836 —.

John McMullen Pres Pro-Tem of Genl Council

E M Pease. Secy of Genl Council

Approved January 17th 1836

James W Robinson Acting Governor

Edwd B Woods. Secy Executive

An Ordinance and Decree, entitled an Ordinance and Decree for Opening the Several Courts of Justice appointing Clerks, Prosecuting Attornies and defining their duties &c.

Section. 1st

Be it Ordained and Decreed and it is hereby Ordained and Decreed by the General Council of the Provisional Government of Texas — That in conformity with the powers vested in said Government by the Sixth Act of the Organic Law Courts of Justice, are declared to be open and required to excercise all the powers and functions Contemplated by the aforesaid Sixth Act of the Organic Law and that the Suspension of Civil Proceedings shall cease from and after this day. Provided Nevertheless under such Regulations and restrictions as are herein after Ordained and Decreed.

Section 2nd.

Be it further Ordained and decreed &c — That the Judges of the several Municipalities shall hold their regular terms of Courts once in three Months, Commencing on Mondays and Continuing their terms of Session until all the business of the Court is finished or the docket gone through with. The Pros=ecution of all Crimes and Misdemeanors shall be regulated by the Common Laws of England, for which the Courts of each Municipality are to be governed. Provided Nevertheless that the body of the Grand Jury may be Composed of fifteen Jurors to be taken from that Number first drawn from the whole pannel of Jurors of each Municipality. And in all cases where it may be necessary to form a Jury, the Court shall order the Sheriff to summons Talismen from the by-Standers according to the Com=mon Law Practice.

Section. 3rd

Be it further Ordained and Decreed &c — That all Proceedings Relative to Successions Matters of Probate Et-cetra shall be regulated and Governed agreeable to the principles — and Laws in similar Cases in the State of Louisiana provided that no Judge shall act as Administrator but in all cases of intestacy the next of Kin and other principles of the Common-Law shall prevail in the Appointment of Administrators and Guardians — And the Judges shall proceed to complete all unfinished business which remains on file or of record of their predecessors under the Laws of Coahuila and Texas — including all Appeals which have been taken from their respective Municipalities to the Superior Court, the records of which shall be returned to the Courts of their respective Municipalities, and trials thereon be had de-Novo:- provided that in all cases where new Municipalities have been Created taken from one &c.

more Municipalities it shall be the duty of the Clerk of the Courts of the Old Municipality to transmit all Original papers Documents and trans-cripts of Proceedings had in each Case or suit; and all Original Papers and proceedings relative to successions, testamentary business of every kind and all unfinished business and proceedings whatever belonging to or connected with the Citizens of the new Municipality to the Clerk of the Court of said Municipality to be regulated by the rules of practice in Suits as heretofore existed in the County

Section 4th

Be it further Ordained and Decreed &c That the first Judge of Each; and every Municipality shall hold Probate Courts on the first Monday in every Month at the Court House, or Clerks Office; and for Executing Notarial Acts, taking Judgments by Confession and transacting all other business which may be done without the intervention of a Jury.

Section 5th

Be it further Ordained and Decreed &c. That any party dissatisfied with the decission made or Verdict entered against him in any of the several Courts of the Municipalities aforesaid, shall have the right of Appeal to any of the several Courts in the adjoining Municipalities, by paying all Costs and giving Security for any Costs that may accrue by taking such Appeal and taking and subscribing the Following Oath Viz

I A.B. Do Solemnly Swear That it is not for the purpose of delay that I take this Appeal but because I firmly believe that Injustice has been done me

Section 6th

Be it further ordained and Decreed &c That all Alcaldes and Commissarios in the several Municipalities of Texas shall have Jurisdiction in all Civil Cases where the Matter in Controversy does not exceed fifty dollars Nevertheless He shall have the right of Appeal if either Party is dissatisfied to the Primary Judges Court of their respective Municipalities upon the same terms and restrictions as in the 5th Section of this Ordinance and Decree: And the Alcaldes and Commissarios shall have the same Jurisdiction in Arresting and Committing offenders against the Laws as Justices of the Peace under the Common Laws of England

Section 7th

Be it further ordained and decreed &c That all Judges Alcaldes and Commissarios Shall have Power to [illegible] Punish Contempts in their Courts in a Summary [illegible] by fine

and Imprisonment, and all Judicial and Ministerial Offices shall be Officers of the Peace in their respective Municipalities

Section 8th

Be it further Ordained and Decreed &c — That the following persons and their property shall be privileged from arest attachment execution Embargo and Sequestration in all Civil Cases to wit; all Officers and Soldiers Commissioned or enlisted in the regular Army of Texas or in the Navy for the time being All Public Agents to foreign Countries, all Members and Offices of the General Council and of the Provisional Government while in attendance upon their Official duties; and all the Members of the late Volunteer Army, until they return to their respective homes

Section 9th

Be it further Ordained and decreed &c — That all Judges Alcaldes Commissarios and regularly Accredited Ministers of the Gospel of whatever denomination shall have the power to Celebrate the rites of Matrimony in their respective Municipalities which shall be done in the presence of not less than three disinterested and reputable Witnesses, Certificates of which, shall be made and Signed by said Judge, Alcalde Commissario Minister of the Gospel, who may Celebrate the same, tested by two or more Witnesses present, one of which shall be given to the, Bride, and the other filed with the Archives of said Municipality; and all Marriages so Celebrated shall be Valid to all intents and purposes in Law and in Equity. And all Marriages heretofore Celebrated by bond or otherwise under the heretofore excisting Laws are in like manner declared and Decreed to be Valid: Provided that all officers who have attended to the same shall on application of either party or the friend of either party, file the Bond or other evidence of such Mariage with the archives and records of the Courts of their respective Municipality and on failure to do so within ten. days after Application is made shall be fined in a summary way in the sum of One hundred Dollars to be paid to the injured party; and to be in the same manner fined from time to time within Ten days after each Application, until the same is done: Provided also that all marriages heretofore entered into under the heretofore Existing laws shall be and are hereby declared legal and the issue of the parties legitimate

Section. 10th

Be it Ordained and Decreed &c — That all fines in Criminal cases in qui. tam actions shall be enforced agreeable to the principles of the Common Laws of England. And the Officer Collecting the same shall pay it over to the Treasurer of his respective Municipality —

Section. 11th

Be it Ordained and Decreed &c — That Juries for

the several Municipalities Shall be drawn and Summonsed in the same Manner, and made the same Rules and Regulations as heretofore practised in Texas; and all Witnesses Shall be summonsed and their attendance enforced in the same Manner as heretofore done and all Judges and other Judicial Officers Shall have discretionary power to Continue Suits upon good Cause being Shewn by the party applying for the same under the same Rules and Restrictions heretofore practised

Section. 12th

Be it Ordained and Decreed &c — That all Judges Alcaldes and Commissarios Shall have power to Administer Oaths of Office and legal Oaths to persons in the Army and Navy or wherever an Oath is made necessary by the laws in force; and all Municipal Officers Contemplated by the Sixth Section of the Organic Law. Who have heretofore been required to give Bond Shall give Bond with Approved Security and take the Oath of Office prescribed by law for the faithful performance of their Several duties.

Section. 13th

Be it Ordained and Decreed &c — That when any action is Brought, suit instituted or Controversy arises in any of the several Courts of the different Municipalities of Texas — either party, his Agent or Attorney upon making proper application to the Judge or Clerk, that a material Witness or Witnesses is residing without said Municipality or without the Jurisdiction of said Court, the said party his Agent or Attorney Shall be entitled and receive a Commission for taking the deposition of said Witness or Witnesses after the Manner and form heretofore in practice or under the Rules and Regulations of the Common Law

Section 14th

Be it further Ordained and Decreed &c — That the Alcaldes and Commissarios of each and every Municipality in Texas shall appoint a Constable or other Suitable Officer to serve all writs, Citations Summonses and Execute all Processes and Orders issued or placed in his hands by said Alcaldes or Commissarios; and shall give a Bond in the Sum of One Thousand Dollars payable to the Governor and his Successors in Office with security to be Approved by the said Alcaldes and Commissarios for the faithful performance of his Several Duties and the Careful preservation of all papers placed in his hands; and take the same Oath prescribed for all Officers of this Government and the said Constable or Officer shall receive the same fees as Sheriffs have heretofore received in Similar Cases for his Services

Section 15th

Be it Ordained and Decreed &c — That the Constable or Officer so Appointed shall have his Appointment [illegible] party

certified and forwarded to the Acting Governor; and receive his Commission as all other Officers. ——

Section. [illegible]

——Be it further Ordained and Decreed &c — That there shall be a Clerk Appointed for each Municipality. And that the said Clerk shall be Appointed by the first and Second Judge and Alcalde or a Majority of them of each Municipality and after so appointed and the same duly Certified — and reported to the Governor, he shall receive his Commission as such. It shall be the duty of said Clerk to take charge of the papers, Archives and dockets of the Judge's Court in his Municipality to record all deeds and other Conveyances register Wills and keep a record of All Suits and Cases in the said Judge's Court; he shall Copy all writs, filed in the Judges Court, Issue Summonses for Witnesses and do all acts which Clerks have to do in the Superior or Circuit Courts of the United States of the North. HE shall give bond in the Sum of Five Thousand Dollars, with Security to be Approved by the Judges and Alcalde aforesaid. for the Careful preservation of the Papers, Archives, records and dockets, so placed in his Charge and for the faithful performance of his Several duties as Clerk and take the Oath of Office prescribed for all other Officers of the Provisional Government of Texas — Provided that all writs shall be test of the last day of the term preceding the issuing thereof, and in the name of the First Judge of each Municipality returnable to the first day of the Succeeding term Provided that the date of issuing said writ shall be noted in the Margin, which shall be at least ten days before the same is made returnable And Provided also that the following shall be the Style and form of all Judicial Writs, Viz. ——

—— In the name of the People free and Sovereign ——

To P. E. Sheriff of the Municipality of —— W E command you that you Summons (or attach the Body of) A B so that he be and appear before —— First Judge of the Municipality of —— on the —— day of —— in the Year —— at the Town of —— to answer C D in a plea of ——

—— to his damage —— and as you faithfully Execute this so you will answer

—— Witness E. F. our said Judge of the aforesaid Municipality on the —— day of —— A D —— at the — Town of ——

—— G. H. Clk.

Issued on —— A.D.

Section 17th

—— Be it further ordained and Decreed &c — That

there shall be one Prosecuting Attorney of each Municipality to be appointed after the same Manner as the Clerk of the Courts whose duty it shall be to Prosecute in the Name of the People all offences Cognizable in the Courts of the Several Municipalities —

Section 18th

Be it further ordained and Decreed &c That the following Shall be the fees of the Municipal Officers here named, to wit:- The Judge of the Court of Each Municipality shall be entitled to a Salary of One hundred Dollars per annum in addition to the fees arising from the Notarial Acts and as Probate Judge. Which shall be two Dollars for each time he may Sign his name as Notary Public- And five Dollars if he should write the instrument to which he may so Sign his name —— The Clerks fees as follows Viz —— For each and every Deed, Transfer, or other Conveyance of Real and Personal property recorded and ortering Certificate upon the back of the same two Dollars, For each Copy of petitions and writs One Dollar to be taxed in the bill of Costs against the party Cast in Court, for every Summons for Witnesses — Fifty Cents to be taxed in the same Maner - For each - Commission for taking the Deposition of Witnesses One Dollar twenty five Cents to be also taxed in the bill of Cost against the Party Cast - And the same fees in Criminal as in Civil Cases - And for all other services rendered by said Clerk; he is to Charge and receive the same Compensation in proportion to the fees in the above named Cases and in all Cases to be Taxed by the Judge —— Prosecuting Attorney's fees -- For drawing and Prosecuting every indictment in Cases of Felony under the Common Law of — England, Twenty Dollars and for Misdemeanours Ten Dollars and where the Criminal is acquitted or unable to pay the Same it shall be paid out of the fines imposed by the Court or public funds (of or) belonging to this Government, in the Municipality where he is Appointed —— The Sheriffs fees to be the same as heretofore received. except in the Collection of Debts which shall be as follows - for all sums under five hundred Dollars Five per Cent Over five hundred Dollars and under One Thousand Dollars three per Cent - Over One thousand Dollars two per Cent. ——

Section 19th

Be it further Ordained and decreed &c — That the Court and Bar in every Municipality, shall make and adopt their own rules and practice — Provided Nevertheless no rule shall be adopted which will be in Violation of and Contrary to any Principle of law now in force as contemplated by this Ordinance and Decree. ——

Section 20th

——Be it Ordained and Decreed &c That [illegible]

holden in each Municipality in Texas &c soon after the Publication of this Ordinance and Decree as the Citizens can be Notified of the same and a Jury drawn and Summonised as pointed out in this Ordinance and Decree And it shall be the duty of the Judges aforesaid to carry the same into effect ——

Section 21st

—— Be it Ordained and decreed &c — That the Alcaldes and Commissarios shall be entitled to the same fees as the Primary Judge in the first instance heretofore received for all sums under fifty Dollars. ——

Section 22nd

—— Be it further Ordained and Decreed &c — That from and after the Passage of this Ordinance and Decree, no person shall be admitted to practice in Law in any Courts of Texas without having undergone an examination before three practising Attornies in each Municipality to be appointed by the Judge thereof for that purpose touching his abilities and fitness — and shall obtain a License from them to practice the Law in the Courts of Texas as aforesaid — Provided Nevertheless that each and every Stranger who has obtained a License to practice in any of the Superior Courts of the United States, and shall exhibit said License or a Certificate from some Clerk or Judge of some Superior Court of Law and Chancery in the United States of the Forth that he has practiced and was duly Authorised to practice the Law in said Courts of Law and Chancery, shall be admitted to practice in the several Courts of Texas.

Section 23rd

—— Be it further Ordained and Decreed &c — That each and every Attorney Admitted to practice; in Addition to the Oath prescribed by the Organic Law Shall take and subscribe the following Oath —— I A B. do Solemnly — Swear — That I will honestly and faithfully demean myself in the practice of the Law according to the best of my Skill and judgement — ——

Section 24th

—— Be it Ordained & Decreed &c — That Marriage fees from and after the Passage of this Ordinance and Decree shall be five Dollars. ——

Passed at San Felipe de Austin Jany 16th 1836

E M Pease
Secy of Genl Council

Sobri Wm Mullen Pres. Pro. tem
of Genl Council

Approved January 22d 1836

James W. Robinson
Acting Governor

Resolutions Appointing Commissioners to treat with the Camanche Indians

Section 1st

Resolved by the General Council of the Provisional Government of Texas that five Commissioners be appointed to make and enter into a Treaty of Amity and Commerce on the part of this Government with the Camanche Indians Provided Nevertheless said Treaty when so made and entered into shall be subject to the examination of the Government of Texas, either to be satified or rejected by this Government or that which may Succeed it

Section 2nd

Be it further resolved &c — That said Commissioners be and are hereby Required to repair immediately to the City of Bejar for the purpose of Meeting and Treating with the said Indians on the most favourable terms in Order to Secure their friendship and at the same time not to sacrifice the interest of Texas or Curtail the Rights and Priveleges of her Citizens

Section 3rd

Be it further resolved &c — That the sum of Five Hundred Dollars be and is hereby appropriated for the expenses of said Treaty and to Carry the same into effect and that John W Smith or the Collector of Public dues for the Department of Bejar or either of them, be and is hereby Authorised and fully empowered to Collect the aforesaid sum of Five Hundred Dollars from any Person or Persons indebted to this Government or from any Person or Persons having in their Charge or possession any Money or Monies belonging in any Manner to this Government and to deliver and pay over said sum of Money, when so Collected to the Commissioners Contemplated by these resolutions taking duplicate receipts from said Commissioners for the same, one to be retained by himself and the Other forwarded to the Treasurer of Texas, and also to report the same to the acting Governor and Council

Section 4th

Be it further resolved &c — That the Acting Governor of Texas James W Robinson be and is hereby Required and instructed to Commission or otherwise appoint the Commissioners who are to Carry into effect the Treaty Contemplated by these resolutions upon receiving a report of their Election, by the General Council and to give said Commissioners such instructions as he may deem expedient in Order to effect the object set forth in the foregoing resolutions and provided the same shall not be incompatible with the object herein set forth and that his Excellency the Governor be further required to notify said Commissioners of their appointment, and order them to proceed directly to the City of Bejar

to make and enter into said treaty as herein Prescribed and set forth. ——

Section 5th

——Be it further resolved &c —— That a Certified Copy of the foregoing Report and resolutions be furnished the Governor immediately upon their passage to be forwarded to said Commissioners by the Secretary of the General Council. ——

Adopted and Passed in Council at San [redacted] de Austin January 17th 1836 ——

E M Pease Secy of General Council

John McMullen Pres Pro-tem of General Council

Approved January 17th 1836

Edw B Wood Executive Secy

James W Robinson Acting Governor

Resolution requiring the late Governor Henry Smith to deliver up the Papers, records &c of the Executive Department and for other purposes. ——

Section 1st

——Be it resolved by the General Council of the Provisional Government of Texas, —— That the late Governor Henry Smith be and he is hereby required within two hours after notice thereof given, to surrender possession of all the Papers, records public Correspondence and Public Documents of every kind belonging to the Executive Department of Texas, or cause the same to be delivered to the proper Officer of this Government who is Authorised to receive the same, and that due Notice of this Resolution shall be geven the late Governor Henry Smith aforesaid with the name of the Officer who is Authorised to receive the papers Documents &c as aforesaid. ——

Section 2nd

——Be it further Resolved &c —— That if the said Henry Smith shall refuse to comply with the Requisition of the foregoing resolution, within the time prescribed thereon, That the acting Governor be and he is hereby required and instructed to have said Papers, records public Conespondence and Documents aforesaid immediately taken from the possession of the late Governor aforesaid, and placed in the Charge and safe keeping of the Secretary "Pro tem" of the Executive (Edward B. Wood) and for the same to be done by the proper Officer of this Government as aforesaid who shall receive the same and who in Case of resistance shall Call to his aid the Power of the Country — all Officers of the Civil and Military and all Citizens of the Country, who shall obey the Call of said Officer in the Execution

thereof ——— Passed at San Felipe de Austin January 17th 1836

E. M. Pease
Secy of Genl Council

John McMullen President "Pro-Tem"
of General Council

Approved January 17th 1836

Edw^d B Wood
Executive Secretary

James W. Robinson
Acting Governor

A Resolution for appointing a Committee of Finance and defining their Duties. —

Be it Resolved by the General Council of the Provisional Government of Texas — That a Committee of Finance shall be appointed to Consist of four Members. who (in the event of there not being a Quorum of the Council present) shall be and are hereby authorised to pass and allow accounts and Claims against this Government, under the same rules and restrictions, the General Council has heretofore done — And they shall be and are hereby vested with the same equitable powers that now vest in the General Council, and shall have power to draw for Contingent Expenses and to do all other Acts as fully and Completely Connected with the object of their Appointment as the General Council has heretofore done, and that the President of the Council shall be "Exofficio" a Member of said Committee. ———

Passed at San Felipe de Austin Janry 17th 1836

E. M. Pease
Secy of Genl Council

John McMullen Prest Pro-tem
of General Council

Approved January 17th 1836

Edw^d B Wood Secy
to the Executive

James W. Robinson
Acting Governor

A Resolution for appointing an advisory Committee of the Council and for other Purposes —

Be it Resolved by the General Council of the Provisional Government of Texas — That a Committee of five shall be appointed to act in the event of there not being a quorum of the members of the Council present — To provide Expresses for the acting Governor James W Robinson to and for absent Members of the General Council, and to Aid and Counsel the Executive aforesaid in giving advice and

Chester Kane

to the Foreign Agents of this Government, to assist in Making and Carrying into effect the Indian Treaties — And to aid, advise and assist in all other matters, Connected with the Executive Department in which the General Council would be required to advise instructions and to advise and assist in any manner or form whatever, wherein the General Council should act Co-operatively with the Executive.

Passed at San Felipe de Austin January 17th 1836

E M Pease
Secy of Gen'l Council

John McMullen Prest Pro-tem
of General Council

Approved January 17th 1836

Edw'd B Wood Secy
to the Executive

James W Robinson
Acting Governor

A Resolution giving Certain powers to the Acting Governor, in the event of there not being a quorum of the Council present

Be it resolved by the General Council of the Provisional Government of Texas — That in the event of there not being a Quorum of the Council present, the Acting Governor of Texas, by and with the advice of the Advisory Committee, be and is hereby Clothed with full and Ample Power to enforce and carry into effect all Ordinances, Laws and Resolutions passed, adopted or enacted by the General Council of the Provisional Government and all other Laws of Texas, and also to appoint and Commission any Officer or Officers that may be necessary to fill any vacancy that has or may occur in the same time. Provided Nevertheless said Appointment so made by the Executive shall be at an end on the assembling of a quorum of the General Council unless said appointment should be ratified and confirmed by the General Council upon so assembling.

Passed at San Felipe de Austin Jany 17th 1836

E. M. Pease
Secy of Gen'l Council

John McMullen President Pro-tem
of General Council

Approved Jany 17th 1836

Edw'd B Wood Secy
to the Executive

James W. Robinson
acting Governor

An Ordinance and Decree Creating the Office of Marshall of Texas and defining his Duties. ——

Section 1st

—— Be it Ordained and Decreed and it is hereby ordained and Decreed by the General Council of the Provisional Government of Texas ——

—— That there shall be appointed a Marshall for the Provisional Government whose powers shall extend over the whole of Texas in the discharge of his duties as herein after described, and the said Marshall be and is hereby authorised to appoint as many deputies as he may deem Necessary to Carry into effect the duties of his office. ——

Section. 2nd

—— Be it further ordained and decreed &c that it Shall be the duty of the Marshall so appointed to execute all process from the General Council incident to the Sergeant at Arms — according to the usages of the Parliament of England or of the Congress of the United States of the North and shall also be the duty of said marshall to execute all orders and process from the General Council — Connected with their Capacity as a high Court of Admiralty, and by himself and his Deputy to Execute all proceedings which shall be issued by any Court in Texas against Sheriffs or other Public Officers and to do and perform all acts incident to the office and Duties of a Marshall in the several States or United States of the North in the several Courts and Municipalities of Texas and that said Marshall be and is here=by required to give bond in the sum of Twenty thousand — Dollars payable to the Governor and his Successors in office and take the Oath of Office prescribed for all Officers of this Government Provided also that said Marshall shall be subject to such rules regulations and restrictions as the General Council shall or may from time to time impose and adopt or Order and direct. —— And that said Marshall shall receive and be allowed for his Services so much as the General Council shall deem his services to be worth until stated fees of Office shall be fixed by the Government in accordance with high trust and responsibilities of the Office. ——

Passed at San Felipe de Austin Janry 17th 1836

E. M. Pease
Secr of General Council

John McMullen Pres Pro-Tem
of General Council

Approved Jan'y 17th 1836

Enos B Word Secrt
to the Executive

James W Robinson
Acting Governor

Executive Ordinance.

"Whereas we the people of Texas, through our Delegates in General Convention assembled, for the purpose of framing a Constitution, and thereby organizing a Government under that Constitution, free, sovereign, and independent, and finding from the extreme emergency of the case and our critical situation.. that it is a duty we owe to our fellow citizens and ourselves to look upon our present danger with a calm yet unruffled, and a determination unsubdued, and at the same time to pursue a prompt and energetic course for the support of our Liberty and protection of our property and lives. Therefore,

1st. Resolved, That we deem it of vital importance to forthwith form, organize, and establish a Government "ad interim" for the protection of Texas, which shall have full, ample, and plenary powers to do all and every thing which is contemplated to be done by the General Congress of the People under the power granted to them by the constitution, saving and excepting all Legislative and Judicial acts.

2nd. Resolved, That said Government shall consist of a Chief Executive Officer, to be styled the "President of the Republic of Texas" a Vice President, Secretary of State, Secretary at War, Secretary of the Navy, Secretary of the Treasury and Attorney General, whose salaries shall be fixed and determined by the first Congress of the Republic.

3rd. Resolved, That all questions touching the powers hereby confided to these Officers, shall be decided by a majority of said Officers.

4th. Resolved, That the President be elected by this convention, and that the candidate or Individual having a majority of the whole number of votes given in, shall be and is hereby declared to be duly elected.

5th. Resolved, That the Vice President, the aforesaid secretaries and Attorney General, be elected by this convention, a majority of the whole number of votes being requisite to a choice.

6th. Resolved, That the members of this body vote for the above named officers "viva voce".

7th. Resolved, That the officers so elected, be required to take the oath prescribed by the constitution.

8th. Resolved, That the President by and with the advice and consent of a majority of his cabinet, shall have the appointment of all officers, Civil, Military, and Naval, for and during the existence of the Government "ad interim".

9th. Resolved, That the Government aforesaid, shall be invested, and they are hereby invested with full powers to create a loan, not to exceed One Million of Dollars, and to pledge the faith and credit of the Republic, and the proceeds of the sale of the Public lands for the repayment of the same with the interest thereon.

10th. Resolved, That the President and his Cabinet shall have full power to appropriate the funds of Texas, to the defence of the country, by raising and supporting the army and Navy, making

jurisdictions &c. _____

11th _____ Resolved;___ That said officers hold their offices, until their successors are chosen and qualified. _____

12th _____ Resolved;___ That the President by and with the advice and consent of his cabinet, shall have power to issue writs of election for Senators and Representatives, at an earlier day than that fixed by the constitution and convene them as soon after the election as may be convenient. _____

13th _____ Resolved;___ That said Government, have ample and plenary powers, to enter into negotiations and Treaties with foreign powers. _____

14th _____ Resolved;___ That the President and his cabinet have power to appoint commissioners to any foreign power. _____

The foregoing fourteen Resolutions were adopted in convention of the People of Texas assembled at the Town of Washington the 16th day of March in the Year of our Lord One thousand eight hundred and thirty Six _____

Attest

H. S. Kimble, Secretary.

Richard Ellis. Pres.t
of the Convention